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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF ORANGE

13 TERRI ANNE PLUNKETT, GUS GIALAMAS
and STEVEN P. CULLEN,

14 Petitioners/Plaintiffs,

15 v.

16 CALIFORNIA DEPARTMENT OF PUBLIC
HEALTH; ORANGE COUNTY
17 EMERGENCY MEDICAL SERVICES; and
DOES 1 through 10,

18 Respondents/Defendants.

19 MEMORIAL HEALTH SERVICES, a California
corporation; SADDLEBACK MEMORIAL
20 MEDICAL CENTER, a California corporation
and ROES 1 through 10,

21 Real Parties-In-Interest.

Case No.

**EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

Date:
Time:
Dept.:
Judge:

24 Petitioners and Plaintiffs Terri Anne Plunkett, Gus Gialamas, and Steven P. Cullen
25 (“Petitioners”) hereby apply for a temporary restraining order and for an order requiring Real
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1 Parties in Interest Memorial Health Services¹ and Saddleback Memorial Medical Center²
2 (collectively referred to as “the Hospital”) to show cause why a preliminary injunction should not
3 issue pending hearing of the Petition for Writ of Mandate and Complaint for Declaratory and
4 Injunctive Relief, enjoining the Hospital and its employees, agents, and persons acting with it or
5 on its behalf, from reducing the current level of emergency medical services available at
6 Saddleback Memorial Medical Center – San Clemente or taking any actions to shut down or alter
7 the emergency medical services facilities there.

8 This Application is made pursuant to Rules 3.1200-3.1207 of the California Rules of
9 Court and the provisions of Code of Civil Procedure section 527 on the ground that Respondent
10 and Defendant California Department of Public Health failed to perform its legal obligations
11 under Health and Safety Code section 1300 to approve or disapprove the closure of emergency
12 medical services by the Hospital until it had received a proper impact evaluation regarding the
13 effect of the downgrade or closure of emergency medical services on the community. Such
14 information is essential to the effective management of emergency medical services by the CDPH
15 and other agencies and entities. If the Hospital is permitted to close its emergency medical
16 services facilities at Saddleback Memorial Medical Center – San Clemente before the CDPH
17 obtains the required impact evaluation and properly approves the closure under Health and Safety
18 Code section 1300, Petitioners will be irreparably harmed. Petitioners and the community will be
19 deprived of the guarantee of appropriately managed emergency medical services and will have
20 inadequate access to emergency medical care. Without effective management of Orange
21 County’s limited emergency medical services, lives will be lost due to delays and inefficiencies.
22 This irreparable injury warrants a temporary restraining order and preliminary injunction pending
23 an adjudication of the merits of this case seeking to compel the appropriate agency action.
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25 _____
26 ¹ Memorial Health Services owns and operates Saddleback Memorial Medical Center – San
Clemente.

27 ² Saddleback Memorial Medical Center operates Saddleback Memorial Medical Center – San
Clemente, a facility that provides emergency medical services in San Clemente.
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1 This Application is based on the Petition for Writ of Mandate and Complaint for
2 Declaratory and Injunctive Relief, this application and the accompanying memorandum, the
3 supporting declarations of Terri Anne Plunkett, Gus Gialamas, Steven P. Cullen, and Emily P.
4 Rich, submitted herewith, and all evidence and argument that may be submitted at or prior to the
5 hearing on this matter.

6 Petitioners are currently unaware of any attorney representing Respondents and
7 Defendants CDPH and Orange County Emergency Medical Services or any attorney representing
8 Real Parties in Interest Memorial Health Care System and Saddleback Memorial Medical Center
9 – San Clemente. However, Petitioners are aware of the location of the Respondents/Defendants
10 as follows:

11 California Department Of Public Health
12 1415 L Street, Suite 500
13 Sacramento, CA 95814
14 Tel.: (916) 558-1730

Orange County Emergency Medical Services
405 W. Fifth Street, Suite 301A
Santa Ana, CA 92701
Tel.: (714) 834-3500

14 Memorial Health Services
15 **Attn: Terri Cammarano – Agent for Service**
16 17360 Brookhurst Street
17 Fountain Valley, CA 92708

Saddleback Memorial Medical Center
Attn: Terri Cammarano – Agent for Service
17360 Brookhurst Street
Fountain Valley, CA 92708

16 No other ex parte application, request for a temporary restraining order, or request for a
17 hearing on an order to show cause regarding preliminary injunction has been made in this Action.

18 Dated: May 23, 2016

WEINBERG, ROGER & ROSENFELD
A Professional Corporation



19
20
21 By: _____
22 Emily P. Rich
23 Bruce A. Harland
24 Jannah V. Manansala
25 Caitlin Gray

Attorneys for Petitioners and Plaintiffs
TERRI ANNE PLUNKETT, GUS GIALAMAS
and STEVEN P. CULLEN

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