

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

No. S259364

SUNDAR NATARAJAN, M.D.,

Petitioner and Appellant,

v.

DIGNITY HEALTH,

Respondent.

Court of Appeal
Case No. C085906

County of San Joaquin
Superior Court No.
STK-CV-UWM-20164821

**PETITIONER'S SECOND MOTION FOR JUDICIAL NOTICE;
MEMORANDUM OF POINTS AND AUTHORITIES;
DECLARATION OF STEPHEN D. SCHEAR IN SUPPORT;
PROPOSED ORDER AND EXHIBIT.**

STEPHEN D. SCHEAR*
Attorney at Law, SBN 83806
Law Offices of Stephen D. Schear
2831 Telegraph Avenue
Oakland, California 94609
Telephone: (510) 708-9636
Email: steveshear@gmail.com

JUSTICE FIRST
Jenny C. Huang, SBN 223596
180 Grand Avenue, Suite 1300
Oakland, California 94612
Telephone: (510) 628-0695
Email: jhuang@justicefirst.net

TARA NATARAJAN
Attorney at Law, SBN 263333
8111 Presidio Drive
Cupertino, California 95014
Telephone: (408) 250-7269
Email: tarabadwal@yahoo.com

Attorneys for Petitioner and Appellant
SUNDAR NATARAJAN, M.D.

MOTION FOR JUDICIAL NOTICE

Pursuant to California Evidence Code § 451, subd. (e) and California Rule of Court 8.252, subd. (a), Petitioner Sundar Natarajan, M.D., moves this Court for an order taking judicial notice of the 1989 dictionary definitions of the words “direct” and “gain,” both words used in Business and Professions Code § 809.2, subd. (b).

The ground for this motion is that Evidence Code § 451, subd. (e) provides for mandatory judicial notice of “[t]he true signification of all English words and phrases and of all legal expressions.” For purposes of interpreting statutory language, the “relevant dictionary definitions are those extant before or at least near in time to the statutory or contractual usage.” (*Siskiyou County Farm Bureau v. Dep’t of Fish & Wildlife* (2015) 237 Cal.App.4th 411, 434.) The construction of Section 809.2, subd. (b), which was enacted in 1989, is one of the primary issues in this appeal. Respondent Dignity has relied on selected definitions of “direct” and “gain” for their argument in their Answer Brief. The definitions of “direct” and “gain” as set forth in a 1989 dictionary are therefore relevant to this case.

This motion is based on the Memorandum of Points and Authorities and the Declaration of Stephen D. Schear.

Dated: September 1, 2020

Stephen D. Schear
Stephen D. Schear
Attorney for Petitioner
Sundar Natarajan, M.D.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND BACKGROUND

This case involves the interpretation of Business and Professions Code § 809.2, subd. (b), which addresses prohibited activities of hospital hearing officers. That subdivision states: “If a hearing officer is selected to preside at a hearing held before a panel, the hearing officer shall gain no direct financial benefit from the outcome, shall not act as a prosecuting officer or advocate, and shall not be entitled to vote.”

In the Court of Appeal, Respondent Dignity Health (“Dignity”) claimed that “‘direct’ means ‘stemming immediately from a source.’” (Dignity Brief in Court of Appeal, p. 27.) In support of that assertion, Dignity cited “<https://www.merriam-webster.com/dictionary/direct>”, a link to a 2020 online version of the Merriam-Webster dictionary. (*Id.*, p. 27, n. 20.) Dignity did not ask for judicial notice of that definition of “direct” or the definition of “gain,” which was also used on page 27 of its brief. Dignity also did not include in its brief the fact that the 2020 online Merriam-Webster dictionary had twelve different definitions of “direct” set forth in seven different groups. It also failed to set forth alternative definitions of “gain.” (*Id.*, p. 27.)

In Dr. Natarajan’s Reply Brief in the Court of Appeal, Petitioner pointed out that Dignity had cited only one of many definitions of “direct,” that another definition was more suitable, and that Dignity had completely failed to address the

definition of “direct” contained in *Haas v. San Bernardino County* (2002) 27 Cal.4th 1017, 1031. (Natarajan Court of Appeal Reply Brief, pp. 33-34.)

Nonetheless, in Dignity’s Answer Brief to this Court, it again cited select definitions of “direct” and “gain” without requesting judicial notice of those definitions or revealing that “direct” and “gain” had other meanings in the 2020 online dictionary source it used. (Dignity Answer Brief, p. 35.)

Dignity used an incorrect source for its definitions of “direct” and “gain,” since it used a 2020 dictionary rather than one published before or during 1989, when Section 809.2 was enacted. Furthermore, Dignity’s assertion that “direct” and “gain” have meanings consistent with its argument is deceptive, because of its failure to disclose the other definitions of the two words that appear in dictionaries. Dr. Natarajan has therefore brought this motion to request the Court’s judicial notice of the 1989 dictionary definitions of “direct” and “gain.”

II. FOR STATUTORY INTERPRETATION, THE COURTS APPLY DEFINITIONS FROM DICTIONARIES IN USE WHEN THE LEGISLATURE ENACTED THE LAW.

“The dictionary is a proper source to determine the usual and ordinary meaning of words in a statute.” (*Humane Society of U.S. v. Superior Court* (2013) 214 Cal.App.4th 1233, 125.) The relevant dictionary definitions are those in place at the time of enactment of the statute. (*Lincoln Unified School District v. Superior Court of San Joaquin County* (2020) 45 Cal.App.5th 1079, 1092;

Siskiyou Cnty. Farm Bureau v. Dep't of Fish & Wildlife, supra, 237 Cal.App.4th at 433-34.)

In *Lincoln Unified School District, supra*, the petitioner requested judicial notice of a definition in the online version of the Merriam-Webster dictionary, as did Dignity in this action. The Court refused to take judicial notice of the online dictionary definition because it was not from a dictionary used at the time the statute at issue was passed. (*Id.*, 42 Cal.App.5th at 1092, n. 4.) In this case, the most relevant definition of “direct” is contained in this Court’s decision in *Haas v. San Bernardino County, supra*, 27 Cal.4th at 1031-1032. The only potentially relevant dictionary definitions of the adjective “direct” and the noun “gain” are those from 1989 or earlier. This Court should therefore take judicial notice of the following definitions contained in pages from the 1989 Merriam-Webster dictionary, attached as Exhibit 6:

direct *adj*

- 1 *Of a celestial body*: moving in the the general planetary direction from west to east : not retrograde
- 2 a : stemming immediately from a source (~ result) b : being or passing in a straight line of descent from parent to offspring : LINEAL (~ ancestor) c : having no compromising or impairing element (~ insult)
- 3 a : proceeding from one point to another in time or space without deviation or interruption : STRAIGHT b : proceeding by the shortest way (the ~ route)
- 4 NATURAL, STRAIGHTFORWARD (~ manner)
- 5 a : marked by absence of an intervening agency, instrumentality, or influence
b : effected by the action of the people or the electorate and not by representatives

c : consisting of or reproducing the exact words of a speaker or writer

6 : characterized by a close logical, causal, or consequential relationship (~evidence)

7 : capable of dyeing without the aid of a mordant : SUBSTANTIVE

gain *n*

1 : resources or advantage acquired or increased : PROFIT (made substantial ~s last year)

2 : the act or process of gaining

3 a : an increase in amount magnitude, or degree (a ~ in efficiency) b : the ratio of increase of output over input in an amplifier c: the effectiveness of a a directional antenna expressed as the ratio in decibels of standard antenna input power to the directional antenna input power that will produce the same field strength in the desired direction

III. CONCLUSION

Under Evidence Code § 451, subd. (e), judicial notice is mandatory for the meaning of words and phrases. Dignity has asserted that the dictionary definitions of the adjective “direct” and the noun “gain” are relevant to the statutory interpretation of Section 809.2, subd. (b). The Court should therefore take judicial notice of the full definitions of those words as set forth in the 1989 Merriam-Webster dictionary, so that the validity of Dignity’s argument can be properly assessed.

Dated: September 1, 2020

Respectfully submitted,

Stephen D. Schear

Stephen D. Schear
Attorney for Petitioner
Sundar Natarajan, M.D.

DECLARATION OF STEPHEN D. SCHEAR

I, Stephen D. Schear, declare:

1. I am the lead counsel for Petitioner Sundar Natarajan, M.D.

2. This motion for judicial notice was generated after I read the Answer Brief of Respondent Dignity Health, filed August 7, 2020, and found that Dignity was relying for its argument on definitions of “direct” and “gain” from the 2020 Merriam-Webster online dictionary, without requesting judicial notice of those definitions. I thereafter researched the law and determined that Dignity’s reliance on the 2020 online definitions was misplaced for the reasons set forth in the Memorandum of Points and Authorities above.

3. After researching the applicable law, I ordered and obtained a 1989 Merriam-Webster dictionary, which I received on August 31, 2020. The definitions set forth above are taken verbatim from that dictionary. True and correct copies of the cover, the frontispiece and the pertinent parts of the applicable pages of the 1989 dictionary are attached hereto as Exhibit 6.

4. Dr. Natarajan did not request judicial notice of the 1989 dictionary definitions of “direct” and “gain” in the trial court or in the Court of Appeal, because his counsel considered the meaning of “direct” set forth in *Haas v. County of San Bernadino, supra*, as dispositive in the context of a hearing officer’s financial incentive to favor a hiring entity. However, given Dignity’s reliance on the dictionary definitions of “direct” and “gain” in its Answer Brief, Dr. Natarajan

is requesting judicial notice of the full 1989 definitions of those words, so that Dignity's argument can be properly evaluated by this Court.

5. The definitions to be noticed do not relate to proceedings occurring after the judgment that is the subject of the appeal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 1, 2020, at Oakland, California.

Stephen D. Schear

Stephen D. Schear

[PROPOSED] ORDER

Good cause appearing, IT IS HEREBY ORDERED that the Court takes judicial notice of the following 1989 definitions of “direct” and “gain”:

direct *adj*

1 *Of a celestial body*: moving in the the general planetary direction from west to east : not retrograde

2 a : stemming immediately from a source (~ result) b : being or passing in a straight line of descent from parent to offspring : LINEAL (~ ancestor) c : having no compromising or impairing element (~ insult)

3 a : proceeding from one point to another in time or space without deviation or interruption : STRAIGHT b : proceeding by the shortest way (the ~ route)

4 NATURAL, STRAIGHTFORWARD (~ manner)

5 a : marked by absence of an intervening agency, instrumentality, or influence b : effected by the action of the people or the electorate and not by representatives c : consisting of or reproducing the exact words of a speaker or writer

6 : characterized by a close logical, causal, or consequential relationship (~ evidence)

7 : capable of dyeing without the aid of a mordant : SUBSTANTIVE

gain *n*

1 : resources or advantage acquired or increased : PROFIT (made substantial ~s last year)

2 : the act or process of gaining

3 a : an increase in amount magnitude, or degree (a ~ in efficiency) b : the ratio of increase of output over input in an amplifier c: the effectiveness of a a directional antenna expressed as the ratio in decibels of standard antenna input power to the directional antenna input power that will produce the same field strength in the desired direction

DATED: _____

JUSTICE OF THE SUPREME COURT

EXHIBIT 6

A Merriam-Webster®

Webster's Ninth New Collegiate Dictionary

Almost 160,000 entries and 200,000 definitions.

- Entries for words often misused or confused include a clear, authoritative guide to good usage.
- In an exclusive new feature—entries are dated. How old is a word? When was it first used? The answer is here, but in no other desk dictionary.
- The newest in the famous Collegiate series, the most widely approved dictionary for home, school and office.



A GENUINE MERRIAM-WEBSTER

The name *Webster* alone is no guarantee of excellence. It is used by a number of publishers and may serve mainly to mislead an unwary buyer.

A *Merriam-Webster*® is the registered trademark you should look for when you consider the purchase of dictionaries or other fine reference books. It carries the reputation of a company that has been publishing since 1831 and is your assurance of quality and authority.

Copyright © 1989 by Merriam-Webster Inc.

Philippines Copyright 1989 by Merriam-Webster Inc.

Library of Congress Cataloging in Publication Data
Main entry under title:

Webster's ninth new collegiate dictionary.

Includes index.

I. English language—Dictionaries. I. Merriam-Webster Inc.

PE1628.W5638 1989 423 88-8335

ISBN 0-87779-508-8

ISBN 0-87779-509-6 (indexed)

ISBN 0-87779-510-X (deluxe)

Webster's Ninth New Collegiate Dictionary principal copyright 1983

COLLEGIATE trademark Reg. U.S. Pat. Off.

All rights reserved. No part of this book covered by the copyrights hereon may be reproduced or copied in any form or by any means—graphic, electronic, or mechanical, including photocopying, taping, or information storage and retrieval systems—without written permission of the publisher.

Made in the United States of America

3435RMcN89

: something (as a long-handled cup) used for dipping *c slang*: PICK-POCKET 3 *cap a*: the seven principal stars in the constellation of Ursa Major arranged in a form resembling a dipper — called also *Big Dipper* *b*: the seven principal stars in Ursa Minor similarly arranged with the North Star forming the outer end of the handle — called also *Little Dipper* — *dip-per-ful* \-fūl\ *n*

dip-py \dip-ē\ *adj* *dip-pi-er*; -est [origin unknown] (1903): FOOLISH
dip-so \dip-(s)ō\ *n* [by shortening] (1880): one affected with dipsomania

dip-so-ma-nia \dip-sə-'mā-nē-ə, -nyə\ *n* [NL, fr. Gk *dipsa* thirst + LL *mania*] (ca. 1843): an uncontrollable craving for alcoholic liquors — *dip-so-ma-ni-ac* \-nē-'ak\ *n* — *dip-so-ma-ni-a-cal* \dip-sō-mə-'nī-ə-kəl\ *adj*

dip-stick \dip-'stik\ *n* (1927): a graduated rod for indicating depth (as of oil in a crankcase)

dip-ter-an \dip-tə-rən\ *adj* [deriv. of Gk *dipteros*] (ca. 1842): of, relating to, or being a two-winged fly — *dipteran n*

dip-tero-carp \dip-tə-rō-'kärp\ *n* [NL, deriv. of *dipterus* dipterous + *-carpus* -carpous] (ca. 1876): any of a family (Dipterocarpaceae) of tall trees of tropical Asia, Indonesia, and the Philippines that have a 2-winged fruit and are the source of valuable timber, aromatic oils, and resins; *esp*: a member of the type genus (*Dipterocarpus*)

dip-ter-on \dip-tə-'rān\ *n*, *pl* -tera \-rə\ [Gk, neut. of *dipteros*] (ca. 1891): TWO-WINGED FLY

dip-ter-ous \dip-tə-rəs\ *adj* [NL *dipterus*, fr. Gk *dipteros*, fr. *di-* + *pteron* wing — more at FEATHER] (1773) 1: having two wings or winglike appendages 2: of or relating to the two-winged flies

dip-tych \dip-(t)ik\ *n* [LL *diptycha*, *pl.*, fr. Gk, fr. neut. *pl.* of *diptychos* folded in two, fr. *di-* + *ptychē* fold] (1622) 1: a 2-leaved hinged tablet folding together to protect writing on its waxed surfaces 2: a picture or series of pictures (as an altarpiece) painted or carved on two hinged tablets 3: a work made up of two matching parts

di-quat \di-'kwät\ *n* [*di-* + *quaternary*] (1960): a powerful nonpersistent herbicide $C_{12}H_{12}Br_2N_2$ that has been used to control water weeds (as the water hyacinth)

dir-dum \di(ə)'rd-əm, 'dɔrd-\ *n* [ME (northern dial.) *durdan*, fr. ScGael, grumbling, hum, dim. of *durd* hum] Scot (1709): BLAME

dire \di(ə)'r\ *adj* *dir-er*; *dir-est* [L *dirus*; akin to Gk *deinos* terrible, Skt *dvesti* he hates] (1567) 1 *a*: exciting horror (~ suffering) *b*: DISMAL, OPPRESSIVE (~ days) 2: warning of disaster (a ~ forecast) 3 *a*: desperately urgent (~ need) *b*: EXTREME (~ poverty) — *dire-ly adv* — *dire-ness n*

di-rect \dā-'rekt, di-\ *vb* [ME *directen*, fr. L *directus* straight — more at DRESS] *vt* (14c) 1 *a obs*: to write (a letter) to a person *b*: to mark with the name and address of the intended recipient *c*: to impart orally *d*: to adapt in expression so as to have particular applicability (a lawyer who ~s his appeals to intelligence and character) 2 *a*: to regulate the activities or course of *b*: to carry out the organizing, energizing, and supervising of *c*: to dominate and determine the course of *d*: to train and lead performances of 3: to cause to turn, move, or point undeviatingly or to follow a straight course (X rays are ~ed through the body) 4: to point, extend, or project in a specified line or course 5: to request or enjoin with authority 6: to show or point out the way for ~ *vi* 1: to point out, prescribe, or determine a course or procedure 2: to act as director *syn* see COMMAND, CONDUCT

direct adj [ME, fr. L *directus*] (14c) 1 *of a celestial body*: moving in the general planetary direction from west to east: not retrograde 2 *a*: stemming immediately from a source (~ result) *b*: being or passing in a straight line of descent from parent to offspring: LINEAL (~ ancestor) *c*: having no compromising or impairing element (~ insult) 3 *a*: proceeding from one point to another in time or space without deviation or interruption: STRAIGHT *b*: proceeding by the shortest way (the ~ route) 4: NATURAL, STRAIGHTFORWARD (~ manner) 5 *a*: marked by absence of an intervening agency, instrumentality, or influence *b*: effected by the action of the people or the electorate and not by representatives *c*: consisting of or reproducing the exact words of a speaker or writer 6: characterized by close logical, causal, or consequential relationship (~ evidence) 7: capable of dyeing without the aid of a mordant: SUBSTANTIVE

direct adv (14c): in a direct way: as *a*: from point to point without deviation *b*: by the shortest way (suggesting I write to her ~ —John Willett) *b*: from the source without interruption or diversion (the writer must take his material ~ from life —Douglas Stewart) *c*: without an intervening agency or step (those who did go ~ to the people ... rallied a considerable majority of the voters —H. S. Ashmore)

direct action n (1843): action that seeks to achieve an end directly and by the most immediately effective means (as boycott or strike)

direct current n (ca. 1889): an electric current flowing in one direction only and substantially constant in value — abbr. DC

di-rect-ed adj (1891) 1: subject to supervision or regulation (a ~ reading program for students) 2: having a positive or negative sense (~ line segment) — *di-rect-ed-ness n*

di-rec-tion \dā-'rek-shən, di-\ *n* (15c) 1: guidance or supervision of action or conduct: MANAGEMENT 2 *archaic*: SUPERScription 3 *a*: an explicit instruction: ORDER *b*: assistance in pointing out the proper route — usu. used in *pl.* (received ~s to get to the beach) 4: the line or course on which something is moving or is aimed to move

di-rec-tion-al \-shənəl, -shən-'i\ *adj* *ing* direction in space: *a*: s which radio signals come or f tion only *b*: operating mos : relating to direction or guid tion-al-ly \-rek-shə-'nal-ət-ē\ *direction angle n* (ca. 1909): an of reference; *specif*: one of the three axes of a rectangular Car pl.

direction cosine n (ca. 1891): between a directed line in spac a rectangular Cartesian coordi

direction finder n (1913): a ra direction of incoming radio w tenna rotating freely on a verti

di-rec-tive \dā-'rek-tiv, di-\ *adj* govern, or influence 2: sei TIONAL 1b 3: of or relating the counselor introduces info ously expressed by the client

directiv n (1899): something impel toward an action or go sued by a high-level body or o *di-rec-tiv-i-ty* \dā-'rek-tiv-ət-ē\ *directional*

direct lighting n (1928): light goes directly from the source t

di-rec-t-ly \dā-'rek-(t)lē, di-, in : in a direct manner (~ relev

a: without delay: IMMEDIAT *di-rec-t-ly* \dā-'rek-(t)lē, di-, 'd ately after: ASSOON AS (~ I r —F. W. Crofts)

direct mail n (1923): printed ing business or contributions

di-rec-t-ness \dā-'rek(t)-nəs, di- accurate in course or aim *NESS*

direct object n (ca. 1904): a mary goal or the result of the *house* in "we built a house" ar

di-rec-tor \dā-'rek-tər, di-\ *n* (an organized group or admi

: one of a group of persons corporate enterprise *c*: one (as for stage or screen) usu music, and rehearsals *d*: CC

di-rec-tor-ate \dā-'rek-t(ə)-rət, a : a board of directors (as board of directors 3: an ex department)

di-rec-to-ri-al \dā-'rek-'tōr-ē-əl\ *direct* 2: of or relating to a direction 3: of, relating to,

director's chair n [fr. its use (1953): a lightweight foldir cotton duck

di-rec-to-ry \dā-'rek-t(ə)-rē, : providing advisory but not

directory n, pl -ries [ML *direrial*, fr. L *directus*, pp.] (15c) rules, or ordinances *b*: an and addresses) 2: a body o

direct primary n (1900): a pr for office are made by direct

direct product n (ca. 1925): the Cartesian product of two

di-rec-tress \dā-'rek-trəs, di-\ *di-rec-trice* \dā-'rek-'trēs\ *n* [RECTRESS

di-rec-trix \-'rek-triks\ *n, pl* [ML, fem. of LL *director*, fr. TRESS 2: a fixed curve with

tionship in generating a ge distance to which from any the distance from the same p

direct sum n (ca. 1928): CAR UCT

direct tax n (1776): a tax exa ultimate burden of the tax is

dire-ful \di(ə)'r-fəl\ *adj* (1583 ly \-fə-lē\ *adv*

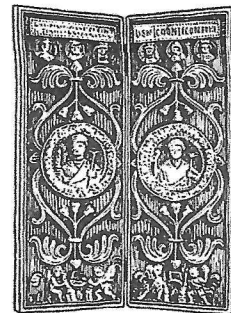
dire wolf n (1925): a large *dirus* found in Pleistocene d

dirge \dɔrj\ *n* [ME *dirige*, th LL antiphon, fr. L, imper. *c* 1: a song or hymn of grief

company funeral or memori piece of music 3: somethi dirge

dir-ham \dā-'ram\ *n* [Ar, fr MONEY table 2 — see *dinar*, 'di-ri-gi-ble \di-rə-jə-bəl, dā-being steered

dirigible n [*dirigible* (balloon,



diptych 2

- 2: the spar on which the head of a fore-and-aft sail is extended 3 a : HOAX, FRAUD b : GIMMICK, TRICK 4 a : something painful or difficult to bear : ORDEAL — usu. used in the phrase *stand the gaff*; esp : persistent raillery or criticism b : rough treatment : ABUSE 5 : GAFFE
- gaff** *vt* (1844) 1 a : to strike or secure with a gaff b : to fit (a gamecock) with a gaff 2 : DECEIVE, TRICK; also : FLEECE 3 : to fix for the purpose of cheating : GIMMICK (~ the dice)
- gaff** *n* [origin unknown] *Brit* (1812): a cheap theater or music hall
- gaffe** \ˈgaf\ *n* [F, gaff, gaffe] (1909): a social or diplomatic blunder : FAUX PAS
- gaf-fer** \ˈgaf-ər\ *n* [prob. alter. of *godfather*] (1589) 1: an old man — compare GAMMER 2 *Brit* a : EMPLOYER b : FOREMAN, OVERSEER 3: a head glassblower 4: a lighting electrician on a motion-picture or television set
- gaff-top-sail** \ˈgaf-ˈtɒp-səl, -səl\ *n* (1794): a usu. triangular topsail with its foot extended upon the gaff — see SAIL illustration
- gag** \ˈgæɡ\ *vb* gagged; gag-ging [ME *gaggen* to strangle, of imit. origin] *vt* (1509) 1 a : to stop the mouth of with something inserted b : to pry or hold open with a gag c : to prevent from exercising freedom of speech or expression 2 : to choke or cause to retch 3 : to provide or write quips or pranks for (~ a show) ~ *vi* 1 a : CHOKE; also : to suffer a throat spasm that makes swallowing or breathing difficult b : RETCH 2 : to be unable to endure something : BALK 3 : to make quips
- gag** *n* (1553) 1: something thrust into the mouth to keep it open or to prevent speech or outcry 2: an official check or restraint on debate or free speech (~ rule) 3: a laugh-provoking remark or act 4: PRANK, TRICK
- ga-ga** \ˈgɑː(ˌ)gɑː\ *adj* [F, fr. *gaga* fool, of imit. origin] (1920) 1: CRAZY, FOOLISH 2: marked by wild enthusiasm : INFATUATED, DOTING
- gag-e** \ˈgɑː\ *n* [ME, fr. MF, of Gmc origin; akin to OHG *wetti* pledge — more at WED] (14c) 1: a token of defiance; *specif*: a glove or cap cast on the ground to be taken up by an opponent as a pledge of combat 2 : something deposited as a pledge of performance
- gag-e** *vt* (15c) 1 *archaic*: PLEDGE 2 *archaic*: STAKE, RISK
- gag-e** *var* of GAUGE
- gag-e** *n* (1847): GREENGAGE
- gag-ger** \ˈgag-ər\ *n* (1624) 1: one that gags 2: GAGMAN
- gag-gle** \ˈgag-əl\ *n* [ME *gagyl*, fr. *gagelen* to cackle] (15c) 1: FLOCK; esp: a flock of geese when not in flight — compare SKEIN 2: AGGREGATION, CLUSTER (a ~ of reporters and photographers)
- gag-man** \ˈgag-man\ *n* (1928) 1: a gag writer 2: a comedian who uses gags
- gag-ster** \ˈgag-stər\ *n* (1935): GAGMAN; also: one who plays practical jokes
- gahn-ite** \ˈgæn-īt\ *n* [G *gahnit*, fr. J. G. *Gahn* †1818 Swed. chemist] (ca. 1808): a usu. dark green mineral $ZnAl_2O_4$ consisting of an oxide of zinc and aluminum
- gai-ety** \ˈgɑː-ət-ē\ *n*, *pl* -eties [F *gaieté*] (1634) 1: MERRYMAKING; also : festive activity — often used in pl. 2: high spirits : MERRIMENT 3 : ELEGANCE, FINERY
- gail-lar-dia** \ˈgɑː-lɑːr-d(ē)-ə\ *n* [NL, fr. *Gaillard* de Marentonneau, 18th cent. Fr. botanist] (1888): any of a genus (*Gaillardia*) of chiefly western American composite herbs with showy flower heads
- gai-ly** \ˈgɑː-lē\ *adv* (14c): in a gay manner: marked by gaiety
- gain** \ˈɡɑːn\ *n* [ME *gayne*, fr. MF *gaigne*, *gain*, fr. OF *gaigne*, *gaigner*, fr. *gaignier* to till, earn, gain, of Gmc origin; akin to OHG *weidanōn* to hunt for food, L *vis* power — more at VIM] (14c) 1: resources or advantage acquired or increased : PROFIT (made substantial ~s last year) 2: the act or process of gaining 3 a : an increase in amount, magnitude, or degree (a ~ in efficiency) b : the ratio of increase of output over input in an amplifier c : the effectiveness of a directional antenna expressed as the ratio in decibels of standard antenna input power to the directional antenna input power that will produce the same field strength in the desired direction
- gain** *vt* (14c) 1 a : to acquire or get possession of usu. by industry, merit, or craft (~ an advantage) (he stood to ~ a fortune) b : to win in competition or conflict (the attackers ~ed the day) c : to get by a natural development or process (~ strength) d : to establish a specific relationship with (~ a friend) e (1) : to arrive at : REACH, ATTAIN (~ed the river that night) (2) : TRAVERSE, COVER (~ed 10 yards on the play) 2 : to win to one's side : PERSUADE (~ adherents to a cause) 3 : to cause to be obtained or given : ATTRACT (~ attention) 4 a : to increase in (a particular quality) (~ momentum) b : to make an increase of (a specified amount) (~ed 3% in the past month) 5 of a *timepiece*: to run fast by the amount of (the clock ~s a minute a day) ~ *vi* 1 : to get advantage : PROFIT (hoped to ~ from his crime) 2 a : INCREASE (the day was ~ing in warmth) b : to increase in weight c : to improve in health or ability 3 of a *timepiece*: to run fast — **gain-er** *n* — **gain-ground** : to make progress
- gain** *n* [origin unknown] (1679) 1: a beveled shoulder above a tenon 2: a notch or mortise for insertion of a girder or joist
- gain-ful** \ˈɡɑːn-fəl\ *adj* (1555): productive of gain : PROFITABLE (~ employment) — **gain-ful-ly** \-fəl-ē\ *adv* — **gain-ful-ness** *n*
- gain-giv-ing** \ˈɡɑːn-giv-ɪŋ, (ˈ)ɡɑːn-\ *n* [*gain-* (against) + *giving*] *archaic* (1602): MISGIVING
- gain-say** \ˈɡɑːn-sā\ *vt* -said \-sād, -sed\; -say-ing \-sā-ɪŋ\; -says \-sāz, -sez\ [ME *gainsayen*, fr. *gain-* against (fr. OE *gean-*) + *sayen* to say — more at AGAIN] (14c) 1: DENY, DISPUTE (couldn't ~ the statistics) 2 : CONTRADICT, OPPOSE *syn* see DENY — **gain-say-er** *n*
- gait** \ˈɡɑːt\ *n* [ME *gait*, *gate* gate, way] (1509) 1: a manner of walking or moving on foot 2: a sequence of foot movements (as a walk, trot, pace, or canter) by which a horse or a dog moves forward 3: a manner or rate of movement or progress (the leisurely ~ of summer)
- gait** *vt* (1900) 1: to train (a horse) to use a particular gait or set of gaits 2: to lead (a show dog) before a judge to display carriage and
- gal** \ˈɡal\ *n* [by alter.] (1795): GIRL
- gal** *n* [*Galileo Galilei*] (1914): a centimeter per second per second
- ga-la** \ˈɡɑː-lə, ˈɡal-ə, ˈgæl-ə\ *n* [It, fr. MF *gala* at GALLANT] (1716): a festive celebration marking a special occasion — **ga-la-bia** or **ga-la-bi-eh** or **ga-la-bi-ya** (1725): DJELLABA
- galact-** or **galacto-** *comb* form [L *galact-*, *galakt-*, *gala*] 1: milk (*galactopoein*, *lactomannan*)
- ga-lac-tic** \ˈɡɑː-lak-tik\ *adj* (1839) 1: of the Milky Way galaxy 2: HUGE (a ~ galaxy)
- ga-lac-tor-rhea** \ˈɡɑː-lak-tə-ˈrē-ə\ *n* (ca. 1800) milk from the nipple
- ga-lac-tos-amine** \ˈɡɑː-lak-tō-sə-mēn\ *n* (1845) a nutritive $C_6H_{13}O_5N$ of galactose that occurs in milk
- ga-lac-tose** \ˈɡɑː-lak-tōs, -tōz\ *n* [F, fr. MF *galactose*] less soluble and less sweet than glucose
- ga-lac-tos-em-ia** \ˈɡɑː-lak-tə-ˈsē-mē-ə\ *n* (1847) a disorder in which galactose accumulates in the blood of an enzyme catalyzing its conversion to glucose — **galac-tos-em-ic** \-mīk\ *adj*
- ga-lac-to-si-dase** \ˈɡɑː-lak-tō-sə-dās, -dās\ *n* (1847) (a lactase) that hydrolyzes a galactoside
- ga-lac-to-side** \ˈɡɑː-lak-tə-sīd\ *n* (1852) a galactoside that is resistant to tase on hydrolysis
- ga-lac-to-syl** \ˈɡɑː-lak-tə-sil\ *n* (1950): a galactoside derived from galactose
- ga-lact-uron-ic acid** \ˈɡɑː-lak-t(ū)-rən-ik\ *n* (1845) aldehyde-acid $C_6H_{10}O_7$ that occurs in milk
- ga-la-go** \ˈɡɑː-lə-(ˌ)ɡō, -lāg-(ˌ)gō\ *n*, *pl* -gos (1859) perh. fr. Wolof *golokh* monkey] (ca. 1859) a genus of several small active nocturnal arboreal primates (*Galago* and related genera) characterized by long ears, a long tail, and elongated hind limbs that enable them to leap with great agility — **gal-a-go** called also **bush baby**
- ga-lah** \ˈɡɑː-lā\ *n* [native name in Australia] (1890): a showy Australian cockatoo (*Zygodon roseicapilla*) that is a destructive pest in some growing areas and is often kept as a cage pet
- Gal-a-had** \ˈɡal-ə-had\ *n* 1: the knight of the Round Table who successfully seeks the Holy Grail 2: one who is pure, noble, and virtuous
- gal-an-tine** \ˈɡal-ən-tēn\ *n* [F, fr. OF *galatine*] galatine fish sauce, fr. ML *galatina* *pp* of *gelare* to congeal, freeze — at COLD] (1725): a cold dish consisting of meat or fish that has been stuffed, poached, and covered with aspic
- Gal-a-tea** \ˈɡal-ə-tē-ə\ *n* [L, fr. Gk *Galathea*] by Pygmalion and given life by Aphrodite
- Gal-la-tians** \ˈɡɑː-lā-shənz\ *n* *pl* but sing in *pl* (1st cent. AD) a Roman province in Asia Minor, the territory of St. Paul written to the Christians in the book in the New Testament — see BIBLE
- gal-a-vant** *var* of GALLIVANT
- gal-lax** \ˈɡɑː-laks\ *n* [NL] (1753): any of a group of herbs related to the true heaths with leaves that are often hairy
- gal-axy** \ˈɡal-ək-sē\ *n*, *pl* -ax-ies [ME *galaxia*, fr. Gk, fr. *galakt-*, *gala* milk; akin to L *galact-*] : MILKY WAY GALAXY — used with the name of each including stars, nebulae, star clusters, and other stellar matter that make up the universe — **gal-ax-y** or notable persons or things
- gal-ba-num** \ˈɡal-bə-nəm, ˈgōl-\ *n* [ME, fr. *galbana*, *helbēnāh*] (12c): a yellowish to green or brown resin derived from several Asian plants and used for medicinal purposes and in incense
- gale** \ˈɡɑː(ə)l\ *n* [origin unknown] (1547) 1: a (1) : a wind from 32 to 63 miles per hour (2) : BEAUFORT SCALE table b *archaic*: BREED (~s of laughter)
- ga-lea** \ˈɡɑː-lē-ə\ *n* [NL, fr. L, helmet, *galea*] : an anatomical part suggesting a helmet : the corolla of a mint b : the outer or lateral part of the body of dibulate insects — **ga-le-ate** \-lē-āt\ *adj*
- ga-le-na** \ˈɡɑː-lē-nə\ *n* [L, lead ore] (1601) a mineral with metallic luster consisting of lead sulfide with cubic cleavage, and constituting the principal component of galena — prepared by extracting one or more active metals from galena
- Gal-en-ism** \ˈɡɑː-lē-niz-əm\ *n* [*Galen*] (1727) a medical practice
- ga-lère** \ˈɡɑː-l(ə)r\ *n* [F, lit., galley, fr. MF *galere*] (1756): a group of people having an interest in a particular subject
- gal Friday** *n* (1958): GIRL FRIDAY
- Gal-i-bi** \ˈɡɑː-lē-bē, ˈgal-ə-bē\ *n*, *pl* Galibi a member of a Carib people of French Guiana
- Galibi** people
- Gal-i-le-an** \ˈɡal-ə-lē-ən, -lā-\ *adj* (1727): of or by Galileo Galilei
- gal-i-lee** \ˈɡal-ə-lē\ *n* [AF, fr. ML *galilaea*] the entrance of an English church
- gal-in-gale** \ˈɡal-ən-gāl, -ɪŋ-\ *n* [ME, a kind of fish, fr. Ar *khalanjan*] (1578): an Old World

PROOF OF SERVICE

Re: *Natarajan v. Dignity Health*, California Supreme Court No. S259364

I, the undersigned, hereby declare:

I am a citizen of the United States of America over the age of eighteen years. My business address is 2831 Telegraph Avenue, Oakland, CA 94609. I am not a party to this action.

On September 1, 2020, I served this document entitled Dr. Natarajan's Second Motion for Judicial Notice; Memorandum of Points and Authorities; Declaration of Stephen D. Schear in Support; and Proposed Order on the following persons/parties by electronically mailing a true and correct copy through the True Filing filing and service electronic mail system to the e-mail addresses, as stated below, and the transmission was reported as complete and no error was reported.

Barry Landsberg: blandsberg@manatt.com
Joanna McCollum: jmccallum@manatt.com
Craig Rutenberg: crutenberg@manatt.com
Doreen Shenfeld: dshenfeld@manatt.com
Manatt, Phelps and Phillips, LLP

Jenny Huang: jhuang@justicefirst.com
Tara Natarajan: tarabadwal@yahoo.com

I declare under penalty of perjury the foregoing is true and correct and that this Declaration was executed on September 1, 2020, in Oakland, California.

Stephen D. Schear
Stephen D. Schear

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **NATARAJAN v. DIGNITY HEALTH**

Case Number: **S259364**

Lower Court Case Number: **C085906**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **steveshear@gmail.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
MOTION	Natarajan Second Motion Judicial Notice

Service Recipients:

Person Served	Email Address	Type	Date / Time
Tharini Natarajan Attorney at Law	tarabadwal@yahoo.com	e-Serve	9/1/2020 12:57:12 PM
Joanna McCallum Manatt Phelps & Phillips, LLP 187093	jmccallum@manatt.com	e-Serve	9/1/2020 12:57:12 PM
Barry Landsberg Manatt Phelps & Phillips 117284	blandsberg@manatt.com	e-Serve	9/1/2020 12:57:12 PM
Stephen Schear Law Offices of Stephen Schear 83806	steveshear@gmail.com	e-Serve	9/1/2020 12:57:12 PM
Jenny Huang Justice First 223596	jhuang@justicefirst.net	e-Serve	9/1/2020 12:57:12 PM
Craig Rutenberg 205309	crutenberg@manatt.com	e-Serve	9/1/2020 12:57:12 PM
Doreen Shenfeld 113686	dshenfeld@manatt.com	e-Serve	9/1/2020 12:57:12 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/1/2020

Date

/s/Stephen Schear

Signature

Schear, Stephen (83806)

Last Name, First Name (PNum)

Law Offices of Stephen D. Schear

Law Firm