

1 James A. Murphy - 062223
JMurphy@mpbf.com
2 Harlan B. Watkins - 176458
HWatkins@mpbf.com
3 Geoffrey T. Macbride - 278833
GMacbride@mpbf.com
4 MURPHY, PEARSON, BRADLEY & FEENEY
580 California Street, Suite 1100
5 San Francisco, CA 94104-1001
Telephone: (415) 788-1900
6 Facsimile: (415) 393-8087
7 Attorneys for Defendants
8 BAKER & HOSTETLER LLP AND BRUCE
GREENE, ESQ.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF KERN

11 TULARE LOCAL HEALTHCARE DISTRICT,
12 dba Tulare Regional Medical Center, a Public
Agency,

13 Plaintiff,

14 v.

15 BRUCE R. GREENE; BAKER &
HOSTETLER, LLP, a limited liability
16 partnership; PARMOND KUMAR, M.D.;
LINDA WILBOURN; RICARD TORREZ; and
17 Does 1 through 50, inclusive,

18 Defendants.

Case No.: BCV-19-103514

**DECLARATION OF GEOFFREY T.
MACBRIDE IN SUPPORT OF
DEFENDANT BAKER & HOSTETLER
LLP AND BRUCE R. GREENE'S MOTION
TO COMPEL FURTHER RESPONSES TO
SPECIAL INTERROGATORIES FROM
PLAINTIFF TULARE LOCAL
HEALTHCARE DISTRICT; REQUEST
FOR SANCTIONS**

Date: July 17, 2020
Time: 8:30 a.m.
Dept.: 17

Complaint Filed: April 24, 2019
Trial Date: March 8, 2021

1 I, Geoffrey T. Macbride, declare that:

2 1. I am an attorney duly licensed to practice in all courts of the State of California, and am
3 an Associate with the law firm of Murphy, Pearson, Bradley & Feeney, attorneys of record for
4 Defendants BAKER & HOSTETLER LLP AND BRUCE GREENE, ESQ. (collectively “Baker”)
5 herein. I have personal knowledge of the information set forth herein below, unless noted as based on
6 information and belief, all of which is true and correct of my own personal knowledge, and if called
7 upon to testify, I could and would competently testify thereto.

8 2. On April 24, 2019, the Plaintiff Tulare Local Healthcare District dba Tulare Regional
9 Medical Center (“District”) filed the instant action against Baker, and former board members Parmod
10 Kumar, M.D., Linda Wilbourn, and Richard Torrez. The District alleges that Baker was conflicted in
11 its representation of the District and placed the interests of Dr. Yorai Benzeevi and Healthcare
12 Conglomerate Associates, LLC (“HCCA”) over the District. The heart of these allegations is that the
13 MSA is unconscionable, illegal, and against public policy. The District ignores that it agreed to the MSA
14 after extensive arms-length negotiations between represented parties. The District’s complaint brings
15 little clarity to the matter as it presents a skewed and legally vague retelling of HCCA’s management of
16 the hospital and Northcraft’s war against Benzeevi and HCCA.


17 3. To bring clarity to the District’s claims and determine their factual basis, if any, Baker
18 served the special interrogatories at issue in this motion, along with requests for admission, form
19 interrogatories and requests for production which are not the subject of this motion.

20 4. The special interrogatories were served on October 31, 2019. A true and correct copy of
21 the relevant interrogatories are attached to the Compendium of Evidence, filed herewith, as **Exhibit A**.
22 The District served its initial responses on January 13, 2020. A true and correct copy of the relevant
23 responses are attached to the Compendium of Evidence, filed herewith, as **Exhibit B**. On January 29,
24 2020, Baker sent the District meet and confer correspondence regarding the discovery. A true and correct
25 copy of relevant excerpts from this correspondence is attached to the Compendium of Evidence as
26 **Exhibit C**. The District finally agreed to a meet and confer over the responses on February 11, 2020.
27 During that conference the District agreed that many of its responses were not code-compliant and
28 promised to provide amended responses. A true and correct copy of relevant excerpts of correspondence

1 memorializing this conference is attached to the Compendium of Evidence, filed herewith, as **Exhibit**
2 **D**. Some of these responses were provided on February 23, 2020 and some of the promised responses
3 have yet to be provided. While the parties continue to meet and confer over some of the District's
4 responses, the District refused to amend the responses at issue in this motion or provide further time to
5 meet and confer. Specifically, the District has yet to provide some promised amended responses and has
6 reversed course on previous refusals to amend. The District is now reconsidering whether to amend
7 some responses. Despite the District's slow response and continually evolving position, it did not grant
8 Baker's request to continue the deadline to file a motion to compel for the remainder of the District's
9 responses. As such, Baker was required to bring this motion. A true and correct copy of the email stating
10 the deadline to file a motion to compel for the at issue discovery is attached to the Compendium of
11 Evidence, filed herewith, as **Exhibit E**.

12 5. My reasonable hourly rate is \$375. I expended well in excess of 10 hours researching,
13 drafting and otherwise preparing this motion. While the time billed to prepare this motion exceeds
14 \$3,000, Baker requests the Court award \$3,000 in reasonable sanctions to discourage the District from
15 refusing to honor its discovery obligations in the future.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct and that this Declaration was executed on this 4th day of May 2020, in San Francisco,
18 California.

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20 _____
21 Geoffrey T. Macbride

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