

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF VENTURA**

**Tentative Ruling**

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**2024CUWT031459: STACY S. FINE M.D. vs FOUNDATION PHYSICIANS MEDICAL  
GROUP, INC., et al.**

**06/18/2026 in Department 43**

**Motion for Summary Adjudication as to Dignity Health Medical Foundation, Inc**

The morning calendar in courtroom 43 will normally begin at 8:45. Please arrive for your hearing no later than 8:30 a.m. The door will be opened before the calendar is called.

The Court allows appearances by CourtCall and Zoom. Refer to the Courtroom 43 webpage for more information about remote appearances. If appearing by CourtCall, call in no later than 8:30 a.m. If you wish to appear by CourtCall, you must make arrangements with CourtCall by 4:00 p.m. the court day before your scheduled hearing. Requests for approval of a CourtCall appearance made on the morning of the hearing will not be granted. No exceptions will be made.

For Zoom appearances, all counsel appearing by Zoom must email the court at [Courtroom43@ventura.courts.ca.gov](mailto:Courtroom43@ventura.courts.ca.gov) with a simultaneous copy to all other counsel/self-represented parties no later than 3:00 p.m. the court day before the hearing. INCLUDE THE PHRASE "ZOOM APPEARANCE ON (DATE OF HEARING)" IN THE SUBJECT LINE OF YOUR EMAIL. The email must identify the person who will make the appearance. You will receive the login information for your appearance in reply to your email. If appearing by Zoom, log into the hearing no later than 8:30 a.m. The Court will transfer you to the meeting room when your matter is called. Additional instructions can be found on the Courtroom 43 webpage. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name. IF YOU DO NOT FOLLOW ALL OF THESE INSTRUCTIONS, YOU WILL NOT BE PERMITTED TO APPEAR BY ZOOM AT THE HEARING.

With respect to the tentative ruling below, no notice of intent to appear is required. If you wish to submit on the tentative ruling you can fax notice to Judge Coats's secretary, Ms. Brantner at 805-477-8790, stating that you submit on the tentative. Or you may email [Courtroom43@ventura.courts.ca.gov](mailto:Courtroom43@ventura.courts.ca.gov) with all counsel copied on the email. Do not call in lieu of sending a fax or email. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. If you are the moving party and do not advise the Court that you submit on the tentative, or you do not appear at the hearing, the Court may deny your motion irrespective of the tentative.

Unless stated otherwise at the hearing, if a formal order is required but not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

**Motion:** Plaintiff's Motion for Summary Adjudication as to Defendant Dignity Health Medical Foundation's Affirmative Defenses

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**Tentative Ruling:** Plaintiff’s Motion for Summary Adjudication as to Defendant Dignity Health Medical Foundation’s Affirmative Defenses is DENIED. Moving party fails to meet her burden. Moving party presents a factual devoid response theory but Defendant DHMF effectively points to the record as to disputed material facts regarding most affirmative defenses. Furthermore, the Court notes that absence of evidence does not equal evidence of absence. Some affirmative defenses are burden-shifting and moving party did not meet her burden to demonstrate that there are no triable issue of fact as to these defenses. It should be noted that the motion is presented as a separate issue for each affirmative defense, but it fails to identify which of the 78 presented UMFs apply to which of the 44 issues making association of the facts to the affirmative defense speculative and confusing.

The Court intends to clarify with Defendant DHMF whether it intends to pursue or abandon affirmative defenses 10, 11, 13, 16, 32, 33, 34, 42, and 43.

**DISCUSSION**

**I. Application**

**A. Plaintiff’s Evidentiary Objections**

*Declaration of Theresa Hylan*

Objection 1: Entire declaration — Overruled

Objection 2: ¶ 3 (DHMF nonprofit affiliate/clinic operations) — Overruled

Objection 3: ¶ 4 (FPMG employs physicians) — Overruled

Objection 4: ¶ 5 (DHMF contracts with FPMG; shareholder composition) — Overruled

Objection 5: ¶ 6 (“distinct legal entities with entirely-separate corporate structures”) — Sustained (as to the characterization; underlying facts admitted)

Objection 6: ¶ 7 (separate insurance) — Overruled

Objection 7: ¶ 8 (ARPSA/PSA description and authentication) — Overruled

Objection 8: ¶ 9 (execution of Employment Agreement; Exhibit A) — Overruled

Objection 9: ¶ 10 ("c/o" explanation) — Overruled

Objection 10: ¶ 11 (DHMF not mentioned in Part I) — Overruled

Objection 11: ¶ 12 (DHMF mentions in Parts II–V) — Overruled

Objection 12: ¶ 13 (Dr. Fine not a party to PSA) — Overruled

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Objection 13: ¶ 14 (“DHMF had no right to negotiate”) — Sustained (legal conclusion; contradicted by PSA § 1.24 and Hylan's own approval signature)

Objection 14: ¶ 15 (FPMG paid salary and benefits) — Overruled

Objection 15: Exhibit B (redacted PSA) — Overruled

*Declarations of Tiffany Luna*

Objection 1: May 20 declaration in its entirety — Overruled

Objection 2: ¶ 4 (equipment) — Overruled

Objection 3: ¶ 5 (“exclusively managed her assignment and schedule”) — Sustained (D’Amico contradiction with her own deposition)

Objection 4: May 21 declaration in its entirety — Overruled

Objection 5: ¶ 4 (“participates in discussions”) — Overruled

Objection 6: ¶¶ 5–9 (clinic closure attribution) — Overruled

*Declaration of AC Saechao*

Objection 1: Entire declaration — Overruled

Objection 2: ¶¶ 1–5 (“did not find any evidence” / “inappropriately denying”) — Sustained in part (as to the “inappropriately” conclusion; his account of what he did is admitted)

Objection 3: ¶ 6 (NPO orientation) — Overruled (no objection asserted)

Objection 4: ¶ 7 (DHMF employed clinic staff) — Overruled (no objection asserted)

Objection 5: ¶ 8 (written policies) — Overruled

*Declaration of Amanda Koziol*

Objection 1: Entire declaration — Overruled

Objection 2: ¶ 2 (44 affirmative defenses / “abundance of caution”) — Overruled

Objection 3: ¶¶ 3–7 (discovery procedural history) — Overruled

Objection 4: ¶ 6 (meet-and-confer letter; Prati verifications) — Overruled

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Objection 5: (second-numbered 3) ¶ 8 (Prati deposed “in her personal capacity”) — Overruled

Objection 6: (numbered 4) Hylen authentication paragraph — Overruled

Objection 7: Exhibit A — Overruled

Objection 8: Exhibit C — Overruled

Objection 9: Exhibit D — Overruled

Objection 10: Exhibit E — Overruled

Objection 11: Exhibit F — Overruled

Objection 12: Exhibit G — Overruled

Objection 13: Exhibit H — Overruled

Objection 14: Exhibit I — Overruled

Objection 15: Exhibits J, K, L — Overruled

*General Sham Declaration Objections*

Objection 1: All “exclusively managed” statements (Luna May 20 ¶ 5; Hylen ¶¶ 14–15) — Sustained

Objection 2: Clinic closure attribution (Luna May 21 ¶¶ 5–9; AF 110) — Overruled

Objection 3: Hylen ¶ 14 / Luna May 21 ¶ 4 (minimizing DHMF authority) — Sustained as to Hylen ¶ 14 only; overruled as to Luna ¶ 4

**B. Material Facts**

Plaintiff’s UMFs 1, 3, 4, 22, 24, and 72 are undisputed and established.

Plaintiff’s UMFs 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 35, 37, 38, 45, 46, 48, 51, 53, 58, 62, 65, and 74 are disputed but established.

Plaintiff’s UMFs 5, 9, 10, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 39, 40, 41, 42, 43, 47, 49, 50, 52, 54, 55, 56, 59, 60, 61, 63, 64, 66, 67, 68, 70, 71, 73, 75, 76, and 78 are disputed and not established.

Defendant’s AMFs 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 are undisputed and established.

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Defendant's AMFs 6 and 7 are disputed but established.

**C. Merits**

The one-row incorporation-by-reference for 43 of the 44 issues does not comply with California Rules of Court Rule 3.1350, subdivision (d)'s requirement that each issue be supported by its own statement of material facts, which is an independent ground for denial.

Defendant DHMF's briefing makes that statement that it "does not presently anticipate further pursuit" of affirmative defenses 10, 11, 13, 16, 32, 33, 34, 42, 43. Plaintiff Fine argues that statement is abandonment warranting adjudication and also claims it hurts Defendant DHMF's credibility. The phrasing is equivocal and not a withdrawal, so while the Court does not adjudicate these issues, it will inquire whether Defendant DHMF intends to withdraw them.

Plaintiff bears the initial burden on summary adjudication of affirmative defenses. With respect to the First Affirmative Defense (Failure to State a Cause of Action), the motion relies on 78 separate undisputed material facts (some of which are argument, some of which are not material to the cause of action, some of which are not established). Issues (affirmative defenses) 2 through 44 rest entirely on wholesale incorporation of UMFs 1-78 without issue-specific facts (some of which are argument, some of which are not material to the cause of action, some of which are not established). It is not possible for the Court to reasonably determine and associate individual UMFs with the 44 different issues raised in the motion and the Court denies the motion on this basis.

The facts Plaintiff actually establishes (filing chronology, verification mechanics, the Prati testimony) go to discovery conduct rather than the merits of any defense. Much of the motion and reply read as a discovery dispute and not a dispositive motion. Plaintiff could have moved to compel instead of seeking not summary adjudication. Plaintiff's true substantive argument is primarily that factually-devoid responses were provided regarding many of the defenses, but they are either (a) negations of her burden, where her lack-of-defendant-evidence theory is conceptually inapt, or (b) defenses for which DHMF actually pointed to record evidence creating a triable issue.

The Court denies the motion for summary adjudication in its entirety.

Defendant DHMF is ordered to serve notice of the Court's ruling.