

1 Xavier Becerra
2 Attorney General of California
Kathleen Foote
3 Senior Assistant Attorney General
Michael Jorgenson
4 Supervising Deputy Attorney General
Cheryl Lee Johnson (SBN 66321)
5 Esther La (SBN 160706)
Emilio Varanini (SBN 163952)
6 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-7004
Tel 415.510.3541 / Fax 415.703.5480
8 E-mail: Emilio.Varanini@doj.ca.gov
*Attorneys for Plaintiff, People of the State of
California*

9 Richard L. Grossman (SBN 112841)
10 Philip L. Pillsbury Jr. (SBN 072261)
Pillsbury & Coleman, LLP
11 100 Green Street
San Francisco, CA 94111
12 Tel 415.433.8000 / Fax 415.433.4816
Email: UEBT@pillsburycoleman.com
13 *Lead Counsel for Plaintiff UFCW & Employers Benefit
Trust and the Class (Additional counsel not listed)*

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

17 UFCW & Employers Benefit Trust, on behalf
of itself and all others similarly situated

18 Plaintiffs,

19 vs.

20 Sutter Health, et al.,

21 Defendants.

Case No. CGC 14-538451
Consolidated with
Case No. CGC-18-565398

**DECLARATION OF KEN STUART ISO
PLAINTIFFS' OPPOSITION TO SUTTER'S
MOTION FOR A STAY**

Date: July 9, 2020
Time: 9:15 a.m.
Judge: Hon. Anne-Christine Massullo
Dept.: 304

Action Filed: April 7, 2014

1 People of the State of California, ex. rel.
Xavier Becerra,

2 Plaintiff,

3 vs.

4 Sutter Health,

5 Defendant.
6

7 I, Ken Stuart, hereby declare as follows:

8 1. I am the Chairman of the California Health Care Coalition ("CHCC"). I have
9 served in such capacity for more than five years. Prior to serving as Chairman, I was a member of
10 the CHCC Board of Directors, and served as Chairman in the past. I have been involved in health
11 care education and advocacy for 46 years. I have personal knowledge of the facts set forth in this
12 Declaration and could and would competently testify as to such facts. I am providing this
13 Declaration in opposition to Sutter's motion for a stay in the above-captioned consolidated case.

14 2. Established in 2005, CHCC is an educational nonprofit that brings together health
15 care purchasers representing almost two million health and welfare plan participants in the state of
16 California, approximately 500,000 of whom are in networks with Sutter facilities.

17 3. CHCC is composed of public and private sector employers and unions, and ERISA
18 and non-ERISA health care plans, including Taft-Hartley ERISA plans, school district pooled-risk
19 groups representing hundreds of school districts, and employer-management association plans. A
20 number of CHCC members are self-funded payors and members of the class in *UFCW &*
21 *Employers Benefit Trust v. Sutter Health*, Case No. CGC-14-538451. CHCC members have been
22 subpoenaed by Sutter in this case and required to produce documents, as has CHCC itself.

23 4. Although the CHCC does not purchase healthcare directly for its members, as an
24 educational nonprofit, it has researched, investigated, and studied the health care needs of its
25 members throughout California. Rather than having the perspective of one group of working
26 people, one industry of working people, or one class of working people, CHCC represents one of
27

1 the broadest panoply of professions, classes, and backgrounds of any organization in California.

2 5. CHCC members are facing many challenges during the COVID pandemic,
3 including increased health care costs and decreased funding available for health care services.
4 While the experiences of individual class members vary, some are experiencing decreased
5 contributions from employers and/or requirements for greater cost-sharing from participants.
6 Others are serving essential workers who are at higher risk of exposure to the novel coronavirus.

7 6. On June 2, 2020, we held a CHCC meeting at which we discussed the settlement
8 and Sutter's request for a stay of the preliminary approval proceedings during the COVID-19
9 pandemic. At the meeting, our members strongly expressed support for the settlement moving
10 forward, and for opposing any stay requested by Sutter. Our members strongly support
11 proceeding to preliminary and final approval of this settlement. CHCC and its members do not
12 believe the COVID-19 pandemic justifies delaying approval of the settlement because preventing
13 anti-competitive practices is critical during a time when all hospitals are facing the impact of
14 COVID-19. The monetary and injunctive relief is even more important to our members now than
15 it was in October 2019 when the parties announced the settlement.

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17 I declare under penalty of perjury of the laws of the State of California that the foregoing is
18 true and correct. Executed this 22 day of June, 2020, in San Diego, California.

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21 Ken Stuart
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