

CURRICULUM VITAE OF

CARLO COPPO

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EDUCATIONAL BACKGROUND

Carlo attended Stanford University School of Law on an accelerated program beginning September, 1960, receiving his LL.B. in December of 1962. He was admitted to the California Bar in June of 1963, Bar No. 34226. A native Californian, Carlo was born in Wineville, California, and thereafter attended Riverside Polytechnic High School, attended the University of California at Riverside, from 1955 to 1957, and received his A.B. from U.C. Berkeley in June, 1960, with a major in Political Science.

Carlo is also a 2010 graduate of Pepperdine University School of Law, Straus Institute for Dispute Resolution/Mediation: Mediating the Litigated Case, Malibu, California.

ADVICE AND COUNSEL TO HEALTHCARE PROVIDERS

Mr. Coppo has from time to time, provided advice and counsel to numerous hospitals and medical staffs, physicians, nurses, psychologists, pharmacists, dentists, and other healthcare providers in San Diego, Orange, Riverside, San Bernardino, Los Angeles, Imperial, Inyo, Kern, Fresno, Tulare, Stanislaus, South Monterey, Madera, Yolo, San Benito, Alameda, San Francisco, Mendocino, Santa Clara, Kings, Sonoma, Ventura, and Shasta Counties. Mr. Coppo was also general counsel for medical staff matters at Mission Bay Hospital from 1995 until its closure in 2003, and from 1986 to 1991 served as a member of the Board of Directors of Alvarado Hospital Medical Center in San Diego. He has been named a "Super Lawyer" for 2006 through 2018 in healthcare for San Diego County, and has been named a Top Lawyer for Healthcare Litigation by San Diego Magazine from 2006-2018.

LICENSING BOARD REPRESENTATION

Carlo has represented numerous physicians and other healthcare and ancillary care professionals before the various licensing boards of the State of California, including the Medical Board of California, the Board of Psychology, the Board of Behavioral Sciences, the Board of Pharmacy, the

Dental Board, the Board of Registered Nursing, and has also represented physicians in connection with disciplinary matters before the Veterans' Administration. He has also served as a Vice-President of the California Academy of Attorneys for Health Care Professionals ("CAAHCP"), whose membership specializes in the representation of healthcare practitioners before the various healthcare licensing boards in California, and has been a frequent presenter at Academy Conferences.

TRIAL EXPERIENCE

Carlo has tried in excess of 125 trials or hearings to verdict or judgment before courts of general jurisdiction including Superior Courts in 18 counties and before United States District Courts in the Central, Southern, Northern and Eastern Districts of California, and administrative tribunals, including the Office of Administrative Hearings (OAH). Approximately one third of those litigations have been in the medical malpractice arena, another third in the wrongful termination, hospital staff privilege and peer review arena and the rest in general civil liability. These litigations included multiple representations of over 100 healthcare provider entities, including members of boards of directors, Medical Executive Committees (MECs), CEOs, Chiefs of Staff, Chiefs of Service, and individual peer reviewers for public entities including hospital districts, non-profit and for-profit hospitals, and the Regents of the University of California. In addition, Mr. Coppo has tried numerous civil litigations for the State of California, the Counties of Riverside and San Bernardino, the Riverside County Flood Control Flood District, the San Bernardino County Flood Control District, and the Coachella Valley County Water and Flood Control District, and numerous private corporations, entities, and individuals. Mr. Coppo has also litigated extensively in the areas of state and federal discrimination litigation, including age, race, national origin, sexual orientation, disability, gender, and political orientation, defamation, wrongful termination, products liability, insurance bad faith, commercial litigation/trade secrets, and constitutional law, with an emphasis on First Amendment issues.

SIGNIFICANT TRIAL AND APPELLATE DECISIONS

Carlo's trial and appellate practice has changed healthcare law in California in several areas which are represented by the following cases:

Served as lead counsel in *Kibler v. Northern Inyo* in which the California Supreme Court in 2006 unanimously extended the protection of California's anti-SLAPP statute to the official proceedings of peer review to stop premature, harassing litigation against hospitals and peer review participants. The *Kibler* decision has been cited thousands of times since 2006 to support anti-SLAPP motions both in healthcare and other areas of the laws.

Served as lead counsel in *Nesson v. Northern Inyo Hospital* which extended anti-SLAPP protection established in *Kibler* to hospital governing boards who terminate the contracts of hospital-based physicians who have been subject to corrective action.

Served as lead counsel in *Bhandari v. Washington Township Healthcare District*, in which the First

Appellate District applied the protections of the anti-SLAPP statute to a lawsuit brought by a physician who was removed from his leadership position as chief of staff elect for violating leadership criteria.

In a second appeal in Prong 2 of the anti-SLAPP analysis, the California Court of Appeal dismissed five of 14 causes of action pursuant to the anti-SLAPP statute and on remand the Superior Court awarded defendants \$246,000 in mandatory attorneys' fees under C.C.P. § 425.16.

Served as lead counsel in *Dhillon v. John Muir Medical Center* before the California Supreme Court which resulted in a unanimous decision that a trial court order remanding a mandamus action to the hospital to afford a full B&P Section 809 hearing to a physician subjected to non-reportable discipline for behavioral issues was appealable. On remand to the Court of Appeal, the trial court's order granting the 809 hearing was reversed and the physician's Petition for Review to the Supreme Court was denied.

Served as lead counsel in *Palm Springs Medical Center v. Desert Hospital* in which the District Court for the Central District of California extended to California Hospital Districts for the first time the protections against anti-trust suits established for local government agencies by the Local Government Antitrust Act of 1986.

Served as lead counsel in the recent decision by the Ninth Circuit in *Wilcox v. High Desert Hospital District* which affirmed the dismissal in its entirety of a civil rights action brought by a disciplined physician pursuant to the federal exclusion doctrine, after failing to assert his constitutional claims in a pending state administrative proceeding.

Served as lead counsel in *Jablonsky v. Sierra Kings Hospital* in which the District Court for the Eastern District of California dismissed in their entirety civil rights claims by a disciplined physician based in part upon the federal Younger Abstention Doctrine.

PEER REVIEW HEARING OFFICER ASSIGNMENTS

Having specialized in medical staff, peer review and related litigation on behalf of healthcare providers since 1968, Carlo has also had the privilege of serving as a Hearing Officer, at both the JRC and Appeal Board levels for the following healthcare providers in 75 peer review hearings/or appeals:

- The Regents of the University of California
 - UCLA Medical Center (Electrophysiology)
 - UCLA/Santa Monica Medical Center (General Surgery)
 - UCSD Medical Center (Radiology)
- Sharp Health System (San Diego)
 - Sharp Chula Vista Medical Center (Invasive Cardiology)
 - Sharp Memorial Hospital (Family Practice)
- Scripps Health System (San Diego)

- Scripps/Mercy Medical Center (Neurosurgery)
- Scripps Encinitas Hospital (Cardiology)
- Scripps Memorial Hospital (Cardiology)
- Scripps Mercy/Chula Vista Hospital (Primary Care)
- Riverside Community Hospital (Orthopedic Surgery)
- Los Alamitos Medical Center (General Surgery)
- Shasta Regional Medical Center (Family Practice)
- Children’s Specialists of San Diego (Physician-in-Training)
- Children’s Specialists/CSSD (Pediatric Orthopedics)
- Cedars-Sinai Medical Center, Los Angeles (Graduate Medical Education Committee, Physician-in-Training, General Surgery)
- St. John’s Regional Medical Center, Oxnard (Ob-Gyn)
- Pomona Valley Hospital Medical Center (Neonatology)
- Healthcare Partners Medical Group (Urgent Care)
- St. Joseph’s Health System/Mission Hospital, Mission Viejo (Uro-Gynecology)
- St. Jude’s Heritage Medical Group, Inc. (Internal Medicine)
- San Joaquin Community Hospital (Nephrology)
- Glendale Adventist Hospital (Physician-in-Training, General Surgery)
- Bakersfield Memorial Hospital (Invasive Cardiology)
- Fountain Valley Hospital, Fountain Valley
- Simi Valley Hospital, Simi Valley
- French Hospital Medical Center, San Luis Obispo
- Sutter Medical Center of Santa Rosa (Vascular/Endovascular Surgery)
- St. Mary Medical Center/St. Joseph’s Healthcare System (Cardiac Surgery)
- Kern Medical Center (Internal Medicine)
- Ventura County Medical Center (Cardiology)
- St. Joseph’s Hospital of Orange (Internal Medicine)

The peer review hearings over which Carlo has presided as Hearing Officer include both those in which the parties have represented themselves in pro per and those where the parties were represented by counsel both adversarially and in a consultative role only. The hearings have lasted from a single appellate session to 60 JRC hearings spread over a four-year period. The medical specialties addressed have included cardiology, invasive cardiology, electrophysiology, neurosurgery, orthopedics, radiation oncology, ob-gyn, general surgery, pediatrics and family practice, among others. In addition, Carlo has been retained as “Hearing Officer Facilitator” to assist a Hospital achieving a fair and expeditious conclusion to a protracted hearing.

Carlo currently holds prestigious offices with the California Society of Healthcare Attorneys as follows:

- Member, CSHA Board of Directors (2015-2019)
- Co-Chairperson, CSHA Hearing Officer Training Committee (2016-2019)

Carlo has been selected as one of the top ten hearing officers in California by the California Society of

Healthcare Attorneys (CSHA), whose membership is comprised of attorneys who represent both physicians and hospitals. Along with his nine colleagues, Mr. Coppo conducted the first training session of hearing officers at the CSHA Annual Conference at the San Francisco Airport Marriott on November 12, 2010, and subsequent training in 2012, 2014, and 2017, with another training scheduled for the fall of 2019. The purpose is to train attendees, including attorneys and judges, to become hearing officers certified by CSHA. Mr. Coppo has been certified as a trainer by CSHA as a member of CSHA's statewide panel of approved hearing officers as a result of this program. His Co-Chairmanship of the CSHA Hearing Officer Committee addresses educating CSHA Members about current trends in healthcare law and establishing criteria for training and certifying hearing officers.

PROFESSIONAL AFFILIATIONS

Mr. Coppo is affiliated with, and has held leadership positions in, the following professional organizations:

- The American Board of Trial Advocates (ABOTA)
*Charter Member and Co-Founder of the Riverside/
San Bernardino Chapter of ABOTA in 1970;
Currently Affiliated with both the San Diego and
Orange County Chapters of ABOTA*
- San Diego Superior Court
Arbitrator and Judge Pro Tempore
- California Academy of Attorneys for Health Care Professionals
("the Academy")
*Vice President, San Diego Region
Frequent Program Presenter on Licensing Board Issues*
- Co-Chairperson, CSHA Hearing Officer Training Committee (2015 - 2019)
- Member, California Lawyer's Association, Health Law Subcommittee of Business Law
Section (2015 - 2018)
- San Diego Association of Healthcare Risk Managers (SDAHRM)
*Member since 1996
Past Board Member
Frequent Presenter on Medical Staff and Peer Review Issues*
- Southern California Association of Healthcare Risk Managers (SCAHRM)
*Member since 1976
Frequent Presenter on Medical Staff and Peer Review Issues*
- California Society for Healthcare Attorneys (CSHA)
*Member since 2005
Member, Board of Directors since 2015
Member, Education Committee 2012-2019
Presenter, Spring Conference 2008: The Paradox of Peer Review and frequent
presenter thereafter
Presenter, spring Conference 2016: "Who's in Charge – Hospital Boards v. The
Medical Staff, a Lesson in Self Governance*

*Presenter, Fall Conference 2018: "The Anatomy of Hospital/Medical Staff
Conflict: Tulare v. Tulare."*

2010: Selected as Top-10 Hearing Officers in California

*2010: Selected to statewide panel of 10 Hearing Officers to train
future Hearing Officers*

Panel member, CSHA Hearing Officer Training Program 2010, 2012, 2014, 2016

- Cal-Western Law School, Law and Medicine Class
Presenter: Kibler v. North Inyo Hospital: The Paradox of Peer Review
- San Diego County Bar and Medical Society
Presenter: The Paradox of Peer Review
- California Association of Medical Staff Services (CAMSS)
Member since 2000
Frequent presenter on Medical Staff and Peer Review Issues
- Association of Southern California Defense Counsel (ASCDC)
Member since 1970
- Inner Solutions for Success Professional Boundaries Program
Member, Board of Advisors since 2008
In-Service Trainer for ISS Boundaries Program since 2005
- Stanford Law Society of San Diego
Member since 1996; Past Chairman, 2000-2002
*Instructor/Evaluator, Stanford Law School Annual Trial Advocacy Program,
2000-2001*
- Children in Crisis, Garfield High School, San Diego
Member of Board of Directors and Mentor, 1997-2001
- Member - Health Law Section of American Bar Association (ABA)
- San Diego Organization of Health Care Leaders (SOHL)
Presenter on Medical Staff and Peer Review Issues

EXTRA CURRICULAR ACTIVITIES

Carlo lives in Del Mar, California, and is an award winning photographer, a writer, an actor for the Gaslamp Quarter Theatre in San Diego, a past mentor for the Garfield High School Children In Crisis program, a reader of literature to school children through the auspices of BookPALS and the Screen Actors' Guild, a member of the Script-in-Hand Players, bringing stand-up comedy to residents of Assisted Living Centers throughout San Diego County, and is an active runner, weight lifter and ocean swimmer. He also enjoys writing poetry and short stories, journalizing his profession and travels, and is an eclectic collector of literature including first editions with a focus on the classics and the Parisian expatriates of the 1920's, including F. Scott Fitzgerald, Ernest Hemingway, and T.S. Eliot, and is an esteemed member of the Zamarano Book Collectors Society of California. Most importantly, he is the father of two children, Jennifer Grove, Executive Director of the Del Mar Village Association, and Rob Coppo, Principal of Torrey Pines High School, and grandfather to Tyler, Kyra and Lauren Grove and Nicolas and Charlotte Coppo.

Carlo is extremely proud of the fact that he holds dual citizenship in the United States and Italy as a result of the immigration of his father Francisco Milio Coppo to this country at the age of three with his paternal grandmother Angela Lasagna Coppo and his two sisters, through Ellis Island in July 1905 from the small village of Montemagno in the province of Piemonte, Italy. It is a citizenship which he now enjoys and which has now been conferred upon his family and their current and future progeny.

Carlo's current artistic projects include compiling a book of poetry, editing a visual memoir entitled "liquid i" containing samples of his photography over the last 40 years and brief memoirs connected to each photograph, and production of a short film with the working title "The Last Laugh of Dick Shawn," based on a personal theatrical experiences Carlo had in April, 1987.

HEARING OFFICER REFERENCES

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