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8 IN RE THE MATTER OF ARBITRATION BETWEEN

9 CASE NO.: 15858

10 CLAIMANT,

11 **AMENDED NOTICE OF RULING ON**
MOTION TO DISMISS

12 VS.

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14 RESPONDENT

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 17 The Arbitrator herein, GARRY W. WILLIAMS, hereby finds in favor of Respondent,
 18 in its' Motions to a) Dismiss
 19 as a non-legal entity and, b) Claimant, ' claim is
 20 now barred by the statute of limitations (1 year per *California Code of Civil Procedure §340.5*).
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22 **HISTORY OF CASE**

- 23 a.) October 12, 2017 date of services rendered to ;
 24 b.) October 6, 2018 submits intent to bring claim;
 25 c.) October 25, 2018 responds setting forth the
 26 correct names of the potential parties defendant(s);
 27 d.) December 22, 2018, formal demand for arbitration submitted by claimant,
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1 , again naming only ;

2 e.) May 1, 2019, Arbitration procedure commences with a date set for Arbitration
3 Management Conference, Mandatory Settlement meeting and Arbitration hearing;

4 f.) June 25, 2019, Motions of to dismiss action
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6 – hearing date set for July 22, 2019;

7 g.) July 11, 2019, 's Notice of non-Opposition
8 to its motions set for July 22, 2019;

9 h.) Matter rescheduled for hearing on August 21, 2019;

10 i.) July 31, 2019, claimant ' Opposition to
11 's Motion to Dismiss;

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13 j.) August 12, 2019, received Respondent 's
14 Reply to ' Opposition to Motion;

15 k.) August 21, 2019, telephonic hearing on Motion;

16 l.) August 21, 2019, received email notification by that he was not a
17 member at time of services rendered (10/12/2017); and,

18 m.) August 23, 2019, received email response from

19 : to Notice of not being a member.
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23 Based upon the foregoing history of this matter and a review of all of the documentation
24 submitted in support of the dispositive motions and responses thereto, the Arbitrator is compelled
25 to grant the Motions of ruling as follows:

26 1.) Claimant, voluntarily entered into the Arbitration process;

27 2.) Claimant, failed to join a correct legal entity – naming and pursuing
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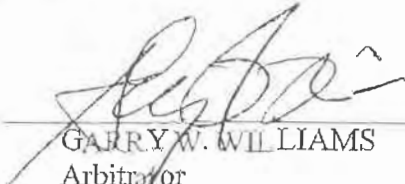
1 the matter as against which is a non-legal entity;

2 3.) As a consequence of his failure to join a proper party, the one year statute of
3 limitations provided by *California Code of Civil Procedures §340.5* has now passed (date of
4 incident 10/12/2017) and as of the present time (August 30, 2019), no legal entity has been
5 named and/or joined in the Arbitration process.
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7 **NOTHING IN THIS ARBITRATION DECISION**
8 **PROHIBITS OR RESTRICTS THE ENROLLEE FROM**
9 **DISCUSSING OR REPORTING THE UNDERLYING**
10 **FACTS, RESULTS, TERMS AND CONDITIONS OF THIS**
11 **DECISION TO THE DEPARTMENT OF MANAGED**
12 **HEALTH CARE.**

13 IT IS SO ORDERED.

14 Dated this 12th day of September, 2019.

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18 GARRY W. WILLIAMS
19 Arbitrator
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