



PRESS RELEASE

CITY OF SAN CLEMENTE

OFFICE OF THE CITY MANAGER
JAMES MAKSHANOFF, CITY MANAGER

Contact: Erik Sund, Assistant City Manager
(949) 361-8360, SundE@san-clemente.org

FOR IMMEDIATE RELEASE

Federal Court Rules in Favor of the City of San Clemente

February 7, 2019...San Clemente, California... Federal Judge David O.Carter of the United States District Court for the Central District of California ruled in favor of the City of San Clemente and denied MemorialCare's petition for a writ of mandate in the lawsuit *Memorial Health Service et al. v. City of San Clemente*.

In this petition, MemorialCare had sought to invalidate the City of San Clemente's Ordinance that required the operation of a hospital at the site of the former Saddleback Memorial Hospital. MemorialCare argued that the City's decision to enact the ordinance was "arbitrary and capricious." Judge Carter determined that the City's decision was not arbitrary and capricious, but was supported by evidence and motivated by a concern for the public interest.

In reaching his ruling, Judge Carter acknowledged that the City "reasonably determined that the closure of the Hospital would have a significant adverse effect on the health, safety, and welfare of the residents of San Clemente and the broader South Orange County region.

The Court noted that evidence supported the City's decision that maintaining a hospital would be in the public interest, including that the City considered: " (1) the fact that the Hospital received about 15,000 annual emergency room visits, (2) a study demonstrating that emergency department closures increase patient mortality at nearby hospital, and (3) the OCFA [Orange County Fire Authority] report indicating that the Hospital's closure would increase impacts to other hospitals within Orange County and would impact OCFA's provision of emergency services."

The Court also noted that "The City here acted for the benefit of the public at the cost of private property interest (MemorialCare's interest), which makes it more likely that the Zoning Changes are valid than if the City had done the opposite."

"I'm very pleased with the decision by Judge Carter," said San Clemente Mayor Steve Swartz. "The Court's ruling supports the City's position in protecting the public safety of its residents and the greater South Orange County Region by ensuring the property is zoned for a hospital and emergency room."

With the health and safety of its residents as its first priority, the City of San Clemente will continue to work toward a long-term solution for the hospital site.