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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 SOUTHERN DIVISION
14

15 **JANE DOE; STEPHEN ALBRIGHT;
16 AMERICAN KIDNEY FUND, INC.;**
17 **and DIALYSIS PATIENT
CITIZENS, INC.,**

18 Plaintiffs,

19 v.

20 **XAVIER BECERRA, in his Official
21 Capacity as Attorney General of
California; RICARDO LARA in his
22 Official Capacity as California
Insurance Commissioner; SHELLY
23 ROUILLARD in her official Capacity
as Director of the California
24 Department of Managed Health
Care; and SONIA ANGELL, in her
25 Official Capacity as Director of the
California Department of Public
26 Health,**

27 Defendants.
28

Case. No. 8:19-cv-2105-DOC-(ADSx)

**STIPULATED REQUEST TO
SUSPEND CASE SCHEDULE AND
SET APRIL 8, 2020, DEADLINE
FOR FILING JOINT STATUS
REPORT**

Date: n/a
Time: n/a
Courtroom: 9D
Judge: Hon. David O. Carter
Trial Date: n/a
Action Filed: 11/1/2019

1 Defendants Xavier Becerra, in his Official Capacity as Attorney General of
2 California; Ricardo Lara in his Official Capacity as California Insurance
3 Commissioner; Shelly Rouillard in her Official Capacity as Director of the
4 California Department of Managed Health Care; and Sonia Angell, in her Official
5 Capacity as Director of the California Department of Public Health (“Defendants”),
6 and Plaintiffs Jane Doe; Stephen Albright; American Kidney Fund, Inc.; and
7 Dialysis Patient Citizens, Inc. (“Plaintiffs”), by and through their attorneys of
8 record, hereby stipulate and agree as follows:

9 WHEREAS, the Court previously entered a scheduling order in this case and
10 in *Fresenius Medical Care Orange County, et al. v. Becerra, et al.* case no. 8:19-
11 cv-02130, negotiated by all parties, under which both cases would proceed to trial
12 on July 14, 2020 (ECF No. 67);

13 WHEREAS, that schedule provided that the discovery period in the case
14 would close on April 3, 2020, and that a hearing on summary judgment motions
15 would occur on June 1, 2020;

16 WHEREAS, on March 13, 2020, President Donald J. Trump declared a
17 National Emergency in connection with the novel coronavirus (COVID 19)
18 outbreak;

19 WHEREAS, the State of California and various cities and counties throughout
20 the state have declared states of emergency;

21 WHEREAS, as of March 17, 2020, a shelter-in-place order is in effect for six
22 counties in the San Francisco area, in which two of the attorneys representing the
23 State in this litigation, S. Clinton Woods and Lisa J. Plank, reside;

24 WHEREAS, as of March 18, 2020, a stay-at-home directive is in effect for
25 Sacramento County, where the majority of Defendants’ personnel reside and
26 documents are located;

27 WHEREAS, Defendants in this case include the California Department of
28 Public Health, the California Department of Managed Health Care, and the

1 California Department of Insurance, all of which are currently focusing their
2 resources on the State's response to the COVID 19 crisis;

3 WHEREAS, these circumstances have interfered with the parties' ability to
4 proceed with and complete written discovery and the production of documents as
5 provided by the existing case schedule;

6 WHEREAS, in addition to the circumstances described above, travel
7 advisories and other logistical considerations related to COVID 19 have presented
8 obstacles to conducting the depositions of fact and expert witnesses, particularly
9 those who are themselves subject to orders or recommendations to shelter in place
10 or refrain from travelling;

11 WHEREAS, the parties have agreed to extend the current deadlines for
12 responding to discovery requests already propounded in the case;

13 WHEREAS, discovery must be completed before summary judgment motions
14 may be filed;

15 NOW, THEREFORE, Plaintiffs and Defendants, by and through their
16 attorneys of record, submit this stipulated request that the Court suspend future
17 deadlines in this case for discovery, including the exchange of rebuttal expert
18 reports, and the filing and hearing of summary judgment motions. At this time, the
19 parties are not requesting the Court to change the trial date. The parties propose to
20 submit a joint report to the Court on or before April 8, 2020, proposing a revised
21 schedule for the remaining weeks of the discovery period and summary judgment,
22 if possible, or updating the Court with regard to the need for a continued suspension
23 of deadlines.

1 Dated: March 19, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General

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/s/ Amie L. Medley
AMIE L. MEDLEY
Deputy Attorney General
*Attorneys for Defendants Xavier
Becerra, Ricardo Lara, Shelly
Rouillard, and Sonia Angell, in their
official capacities*

10 Dated: March 19, 2020

KING & SPALDING LLP

12

/s/ Joseph N. Akrotirianakis
JOSEPH N. AKROTIRIANAKIS
BOBBY R. BURCHFIELD
*Attorneys for Plaintiffs Jane Doe,
Stephen Albright, American Kidney
Fund, Inc., and Dialysis Patient
Citizens, Inc.*

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18 I, Amie L. Medley, hereby attest that all other signatories listed above concur
19 in this filing's content and have authorized me to make this filing.

20 Dated: March 19, 2020

/s/ Amie L. Medley
Amie L. Medley

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CERTIFICATE OF SERVICE

Case Name: **Jane Doe, et al v. Xavier** No. **8:19-cv-2105-DOC-(ADSx)**
Becerra, et al.

I hereby certify that on March 19, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATED REQUEST TO SUSPEND CASE SCHEDULE AND SET APRIL 8, 2020, DEADLINE FOR FILING JOINT STATUS REPORT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 19, 2020, at Los Angeles, California.

Beth L. Gratz

Declarant

/s Beth L. Gratz

Signature