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

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

**STIPULATED REQUEST TO
 CONTINUE SUSPENSION OF
 CASE SCHEDULE AND SET MAY
 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, on March 19, 2020, California Governor Gavin Newsom issued a
22 shelter-in-place order for the entire state of California, which is still in place with
23 no set end date having been announced;

24 WHEREAS, several counties, including Sacramento county, where the
25 majority of Defendants’ personnel reside and documents are located, and counties
26 in the Bay Area and Los Angeles, have also issued shelter-in-place orders that are
27 tentatively set to expire in late April or early May;

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1 WHEREAS, Defendants in this case include the California Department of
2 Public Health, the California Department of Managed Health Care, and the
3 California Department of Insurance, certain elements of which are currently
4 focusing many of their resources on the State's response to the COVID 19 crisis;

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

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

13 WHEREAS, on March 24, 2020, the Court entered an order approving the
14 parties' stipulation to stay the case indefinitely and directing the parties to submit a
15 joint status conference statement on or before April 8, 2020 (ECF No. 72).

16 WHEREAS, the parties have agreed to further extend the current deadlines for
17 responding to discovery requests already propounded in the case;

18 WHEREAS, discovery must be completed before summary judgment motions
19 may be filed;

20 WHEREAS, the parties do not believe that discovery and summary judgment
21 briefing can be completed before the current trial date of July 14, 2020;

22 WHEREAS, the parties have agreed that the dates for the pre-trial conference
23 and trial should also be suspended;

24 WHEREAS, the parties nevertheless believe that the case should proceed on
25 an expedited schedule once the COVID 19 crisis abates sufficiently to allow
26 litigation to continue, and have agreed to meet-and-confer at that time to attempt to
27 come to a schedule that approximates the prior time frame as closely as is
28 practically possible once litigation can resume;

1 NOW, THEREFORE, Plaintiffs and Defendants, by and through their
2 attorneys of record, submit this stipulated request that the Court continue to
3 suspend future deadlines in this case for discovery, including the exchange of
4 rebuttal expert reports, the filing and hearing of summary judgment motions, and
5 suspend the pre-trial conference and trial. The parties propose to submit a joint
6 report to the Court on or before May 8, 2020, proposing a revised schedule for the
7 remaining weeks of the discovery period, summary judgment briefing and hearing,
8 and pre-trial and trial dates, if possible, or updating the Court with regard to the
9 need for a continued suspension of deadlines.

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1 Dated: April 8, 2020

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 MARK R. BECKINGTON
5 Supervising Deputy Attorney General

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

10 Dated: April 8, 2020

KING & SPALDING LLP

13 /s/ Bobby R. Burchfield
14 BOBBY R. BURCHFIELD
15 JOSEPH N. AKROTIRIANAKIS
16 *Attorneys for Plaintiffs Jane Doe,
17 Stephen Albright, American Kidney
18 Fund, Inc., and Dialysis Patient
19 Citizens, Inc.*

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: April 8, 2020

21 /s/ Amie L. Medley
22 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 April 8, 2020, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATED REQUEST TO CONTINUE SUSPENSION OF CASE
SCHEDULE AND SET MAY 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 April 8, 2020, at Los Angeles, California.

Beth L. Gratz
Declarant

/s/ Beth L. Gratz
Signature