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10 Angell, in their official capacities*

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
13 SOUTHERN DIVISION  
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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 JUNE  
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 mid-May to early June, though they may be extended  
28 further;

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 suspend case deadlines indefinitely and directing the parties  
15 to submit a joint status conference statement on or before April 8, 2020 (ECF No.  
16 72).

17 WHEREAS, on April 9, 2020, the Court entered another order approving the  
18 parties' further stipulation to suspend case deadlines indefinitely and directing the  
19 parties to submit a joint status conference statement on or before May 8, 2020, and  
20 vacating the previously set pretrial and trial dates. (ECF No. 75).

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

23 WHEREAS, discovery must be completed before summary judgment motions  
24 may be filed;

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

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

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1 Dated: May 7, 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*

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Dated: May 7, 2020

KING & SPALDING LLP

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

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

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Dated: May 7, 2020

/s/ Amie L. Medley  
Amie L. Medley

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## CERTIFICATE OF SERVICE

Case Name: **Jane Doe, et al v. Xavier  
Becerra, et al.**

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

I hereby certify that on May 7, 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 JUNE 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 May 7, 2020, at Los Angeles, California.

Beth L. Gratz  
Declarant

/s/ Beth L. Gratz  
Signature