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 Shewry,<sup>1</sup> in their official capacities*

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

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

17 Plaintiffs,

18 v.

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

26 Defendants.

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

**STIPULATED REQUEST TO  
 CONTINUE SUSPENSION OF  
 CASE SCHEDULE AND SET  
 FEBRUARY 15, 2021, 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

27 <sup>1</sup> Defendant Tomás J. Aragón, the current Director of the California  
 Department of Public Health, is automatically substituted for Defendant Sonia  
 28 Angell as a defendant. Fed. R. Civ. P. 25(d).

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 Tomás J. Aragón, in her  
5 Official Capacity as Acting Director of the California Department of Public Health  
6 (“Defendants”), and Plaintiffs Jane Doe; Stephen Albright; American Kidney Fund,  
7 Inc.; and Dialysis Patient Citizens, Inc. (“Plaintiffs”), by and through their attorneys  
8 of 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 has been modified by  
23 several subsequent orders but is still in place with no set end date having been  
24 announced;

25 WHEREAS, several counties, including Sacramento County, where the  
26 majority of Defendants’ personnel reside and documents are located, counties in the  
27 Bay Area and Los Angeles County, remain under modified shelter-in-place  
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1 orders that impose varying limitations on activities within those counties;

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

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

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

14 WHEREAS, on March 24, 2020, the Court entered an order approving the  
15 parties' stipulation to suspend case deadlines indefinitely and directing the parties  
16 to submit a joint status conference statement on or before April 8, 2020 (ECF No.  
17 72);

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

22 WHEREAS, on May 13, 2020, the Court entered another order approving the  
23 parties' further stipulation to suspend case deadlines indefinitely and directing the  
24 parties to submit a joint status conference statement on or before June 8, 2020, and  
25 vacating the previously set pretrial and trial dates. (ECF No. 77);

26 WHEREAS, on June 15, 2020, the Court entered another order approving the  
27 parties' further stipulation to suspend case deadlines indefinitely and directing the  
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1 parties to submit a joint status conference statement on or before July 10, 2020.  
2 (ECF No. 79);

3 WHEREAS, on July 13, 2020, the Court entered another order approving the  
4 parties' further stipulation to suspend case deadlines indefinitely and directing the  
5 parties to submit a joint status conference statement on or before August 10, 2020.  
6 (ECF No. 81);

7 WHEREAS, on August 14, 2020, the Court entered another order approving  
8 the parties' further stipulation to suspend case deadlines indefinitely and directing  
9 the parties to submit a joint status conference statement on or before September 10,  
10 2020. (ECF No. 89);

11 WHEREAS, on September 11, 2020, the Court entered another order  
12 approving the parties' further stipulation to suspend case deadlines indefinitely and  
13 directing the parties to submit a joint status conference statement on or before  
14 October 12, 2020. (ECF No. 91);

15 WHEREAS, on October 14, 2020, the Court entered another order approving  
16 the parties' further stipulation to suspend case deadlines indefinitely and directing  
17 the parties to submit a joint status conference statement on or before November 12,  
18 2020. (ECF No. 96);

19 WHEREAS, on November 16, 2020, the Court entered another order  
20 approving the parties' further stipulation to suspend case deadlines indefinitely and  
21 directing the parties to submit a joint status conference statement on or before  
22 December 14, 2020. (ECF No. 98);

23 WHEREAS, on December 15, 2020, the Court entered another order  
24 approving the parties' further stipulation to suspend case deadlines indefinitely and  
25 directing the parties to submit a joint status conference statement on or before  
26 January 14, 2021. (ECF No. 100);

27 WHEREAS, the parties had intended to propose a revised schedule for the  
28 remaining weeks of the discovery period, summary judgment briefing and hearing,

1 and pre-trial and trial dates on January 14, 2021, but the rapidly spiking numbers of  
2 cases, hospitalizations, and deaths in California related to the COVID 19 pandemic  
3 as well as the anticipated roll-out of vaccines requires the attention of key personnel  
4 at the Defendant agencies and presents logistical obstacles to proceeding with  
5 discovery and depositions;

6 WHEREAS, the parties are engaged in an effort to meet-and-confer regarding  
7 a potentially streamlined litigation schedule which the parties hope will allow them  
8 to complete necessary discovery in an efficient manner when conditions arise to  
9 allow the litigation to resume;

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

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

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

19 NOW, THEREFORE, Plaintiffs and Defendants, by and through their  
20 attorneys of record, submit this stipulated request that the Court continue to  
21 suspend future deadlines in this case for discovery, including the exchange of  
22 rebuttal expert reports, the filing and hearing of summary judgment motions, and  
23 suspend the pre-trial conference and trial. Barring continued worsening of the  
24 pandemic or additional unforeseen circumstances, on or before February 15, 2021,  
25 the parties will file a joint report proposing a revised schedule for the remaining  
26 weeks of the discovery period, summary judgment briefing and hearing, and pre-  
27 trial and trial dates. The parties will also continue to meet-and-confer about  
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1 potential ways to streamline aspects of the discovery process or otherwise expedite  
2 the litigation in the meantime.

3  
4 Dated: January 14, 2021

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

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8 /s/ S. Clinton Woods  
9 S. CLINTON WOODS  
10 Deputy Attorney General  
11 *Attorneys for Defendants Xavier*  
*Becerra, Ricardo Lara, Shelly*  
*Rouillard, and Sandra Shewry, in*  
*their official capacities*

12  
13 Dated: January 14, 2021

KING & SPALDING LLP

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

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21  
22 I, S. Clinton Woods, hereby attest that all other signatories listed above concur  
23 in this filing's content and have authorized me to make this filing.

24  
25 Dated: January 15, 2021

/s/ S. Clinton Woods  
S. Clinton Woods

## CERTIFICATE OF SERVICE

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

I hereby certify that on January 14, 2021, 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 FEBRUARY 15, 2021, DEADLINE FOR FILING JOINT STATUS REPORT**

**[PROPOSED] ORDER GRANTING STIPULATED REQUEST**

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 and the United States of America the foregoing is true and correct and that this declaration was executed on January 14, 2021, at San Francisco, California.

K. Figueroa-Lee

Declarant

/s/ K. Figueroa-Lee

Signature

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

**JANE DOE; STEPHEN ALBRIGHT;  
AMERICAN KIDNEY FUND, INC.;**  
**and DIALYSIS PATIENT  
CITIZENS, INC.,**  
  
Plaintiffs,  
  
v.  
  
**XAVIER BECERRA, in his Official  
Capacity as Attorney General of  
California; RICARDO LARA in his  
Official Capacity as California  
Insurance Commissioner; SHELLY  
ROUILLARD in her official Capacity  
as Director of the California  
Department of Managed Health  
Care; and SONIA ANGELL, in her  
Official Capacity as Director of the  
California Department of Public  
Health,**  
  
Defendants.

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

**[PROPOSED] ORDER  
GRANTING STIPULATED  
REQUEST TO CONTINUE  
SUSPENSION OF CASE  
SCHEDULE AND SET  
FEBRUARY 15, 2021, DEADLINE  
FOR FILING JOINT STATUS  
REPORT**



1           Based on the stipulation of the parties, and for good cause appearing, it is  
2 hereby ordered that all remaining discovery deadlines, including for the exchange  
3 of rebuttal expert reports, the deadlines for the filing and hearing of summary  
4 judgment motions, and the dates for the pretrial conference and trial, are suspended.  
5 Barring continued worsening of the pandemic or additional unforeseen  
6 circumstances, on or before February 15, 2021, the parties will file a joint report  
7 proposing a revised schedule for the remaining weeks of the discovery period,  
8 summary judgment briefing and hearing, and pre-trial and trial dates.

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Dated: \_\_\_\_\_

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The Honorable David O. Carter  
United State District Judge