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

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

16 Plaintiffs,

17 v.

18 **ROB BONTA, in his Official**
 19 **Capacity as Attorney General of**
 20 **California; RICARDO LARA in his**
 21 **Official Capacity as California**
 22 **Insurance Commissioner; SHELLY**
 23 **ROUILLARD in her official Capacity**
 24 **as Director of the California**
 25 **Department of Managed Health**
 26 **Care; and TOMAS J. ARAGON, in**
 27 **his Official Capacity as Director of**
 28 **the California Department of Public**
Health,¹

Defendants.

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

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 Rob Bonta, the current Attorney General, and Defendant Tomás J. Aragón, the current Director of the California Department of Public Health, are automatically substituted for Xavier Becerra and Sonia Angell as defendants. Fed. R. Civ. P. 25(d).

1 Defendants Rob Bonta, 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 his
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 submit the following joint status report:

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 public health
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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, on January 15, 2021, the Court entered another order approving
28 the parties' further stipulation to suspend case deadlines indefinitely and directing

1 the parties to submit a joint status conference statement on or before February 15,
2 2021. (ECF No. 102);

3 WHEREAS, on February 16, 2021, the Court entered another order approving
4 the parties' further stipulation to suspend case deadlines indefinitely and directing
5 the parties to submit a joint status conference statement on or before March 31,
6 2021. (ECF No. 104);

7 WHEREAS, on April 1, 2021, the Court entered another order approving the
8 parties' further stipulation to suspend case deadlines indefinitely and directing the
9 parties to submit a joint status conference statement on or before April 30, 2021.
10 (ECF No. 109);

11 WHEREAS, on April 30, 2021, the Court entered another order approving the
12 parties' further stipulation to suspend case deadlines indefinitely and directing the
13 parties to submit a joint status conference statement on or before June 1, 2021.
14 (ECF No. 111);

15 WHEREAS, on June 2, 2021, the Court entered another order approving the
16 parties' further stipulation to suspend case deadlines indefinitely and directing the
17 parties to submit a joint status conference statement on or before July 1, 2021. (ECF
18 No. 114);

19 WHEREAS, on July 2, 2021, the Court entered another order approving the
20 parties' further stipulation to suspend case deadlines indefinitely and directing the
21 parties to submit a joint status conference statement on or before August 2, 2021.
22 (ECF No. 117);

23 WHEREAS, the parties are engaged in an effort to meet-and-confer
24 regarding discovery and a potentially streamlined litigation schedule which the
25 parties hope will allow them to complete necessary discovery in an efficient manner
26 when the litigation resumes.

27 WHEREAS, the parties have agreed to continue to meet and confer regarding
28 a proposed case schedule and will provide a further Joint Statement on or before

1 September 10, 2021, which will either contain a stipulated proposed schedule or
2 competing proposed schedules from the various parties;

3 WHEREAS, the parties also agree that they may benefit from input from the
4 Court should they not be able to agree on a proposed schedule;

5 NOW, THEREFORE, Plaintiffs and Defendants, by and through their
6 attorneys of record, submit this stipulated request that the Court set a deadline to
7 submit a further Joint Status Report containing the parties' positions on a proposed
8 case schedule, on or before September 10, 2021. The parties also respectfully
9 request that the Court may wish to set a case management conference sometime
10 after September 10 at the Court's convenience so that the parties may confer with
11 the Court about the resolution of this case after the lengthy litigation stay as a result
12 of the COVID-19 pandemic.

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1 Dated: July 30, 2021

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 MARK R. BECKINGTON
5 Supervising Deputy Attorney General

6 /s/ S. Clinton Woods
7 S. CLINTON WOODS
8 Deputy Attorney General
9 *Attorneys for Defendants Rob Bonta,*
10 *et al.*

11 Dated: July 30, 2021

KING & SPALDING LLP

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

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

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23
24 Dated: July 30, 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 July 30, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **JOINT STATUS REPORT**
- **[PROPOSED] ORDER GRANTING STIPULATED REQUEST TO SET SEPTEMBER 10, 2021, 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 and the United States of America the foregoing is true and correct and that this declaration was executed on July 30, 2021, at San Francisco, California.

K. Figueroa-Lee
Declarant


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.

**ROB BONTA, 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 TOMAS J. ARAGON, in
his Official Capacity as Director of
the California Department of Public
Health,¹**

Defendants.

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

**[PROPOSED] ORDER
GRANTING STIPULATED
REQUEST TO SET SEPTEMBER
10, 2021, DEADLINE FOR FILING
JOINT STATUS REPORT**

¹ Defendants Rob Bonta, the current Attorney General, and Defendant Tomás J. Aragón, the current Director of the California Department of Public Health, are automatically substituted for Xavier Becerra and Sonia Angell as defendants. Fed. R. Civ. P. 25(d).

1 Based on the stipulation of the parties, and for good cause appearing, it is
2 hereby ordered that, on or before September 10, 2021, the parties will file a joint
3 report proposing a revised schedule for the remaining weeks of the discovery
4 period, summary judgment briefing and hearing, and pre-trial and trial dates. The
5 Court also sets a case management conference for _____, 2021.

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Dated: _____

The Honorable David O. Carter
United State District Judge