

1 KELLY P. DUNBAR (*pro hac vice*)
2 Kelly.Dunbar@wilmerhale.com
3 ARI HOLTZBLATT (*pro hac vice*)
4 Ari.Holtzblatt@wilmerhale.com
5 WILMER CUTLER PICKERING
6 HALE AND DORR LLP
7 2100 Pennsylvania Avenue NW
8 Washington, DC 20037
9 Telephone: (202) 663-6440
10 Facsimile: (202) 663-6363
11 ***Attorneys for Plaintiff DaVita Inc.***

MICHAEL E. BERN (*pro hac vice*)
Michael.Bern@lw.com
ABID R. QURESHI (*pro hac vice*)
Abid.Qureshi@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201
***Attorneys for Plaintiff U.S. Renal
Care, Inc.***

8 KRISTOPHER R. WOOD (SBN 284727)
9 kristopher.wood@orrick.com
10 ORRICK HERRINGTON &
11 SUTCLIFFE LLP
12 2050 Main Street, Suite 1100
13 Irvine, CA 92614
14 Telephone: (949) 567-6700
15 Facsimile: (949) 567-6710
16 ***Attorneys for Plaintiffs Fresenius Medical
17 Care Orange County, LLC and Fresenius
18 Medical Care Holdings, Inc. d/b/a
19 Fresenius Medical Care North America***

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **SOUTHERN DIVISION**

22 JANE DOE, *et al.*,

23 *Plaintiffs.*

24 v.

25 ROB BONTA, in his official capacity as
26 Attorney General; *et al.*,

27 *Defendants.*

No. 8:19-cv-02105 DOC (ADSx)

JOINT STATUS REPORT

Judge David O. Carter

Date: n/a
Time: n/a
Trial Date: n/a

1 Pursuant to the Court’s May 14, 2026 Order (ECF No. 235), the parties, by
2 and through their attorneys of record, hereby submit this Joint Status Report.

3 On January 9, 2024, the Court issued an order with its rulings on the parties’
4 cross motions for summary judgment. See ECF No. 207. On May 9, 2024, the
5 Court—at the parties’ stipulated request—entered a final judgment and permanent
6 injunction against the provisions of AB 290 that the Court determined were
7 unlawful. See ECF Nos. 218, 219. The Court also stayed AB 290 in its entirety
8 pending the parties’ anticipated appeals to the Ninth Circuit. See ECF No. 219.

9 On April 7, 2026, the Ninth Circuit entered a judgment that affirmed the
10 Court’s summary judgment order in part and reversed it in part. See ECF No. 233.
11 The Ninth Circuit held that the Reimbursement Cap, Patient Disclosure
12 Requirement, and Financial Assistance Restriction provisions of AB 290 violated
13 the First Amendment, and that the unconstitutional provisions could not be severed
14 from the remainder of the statute. See *id.* The Ninth Circuit’s mandate issued on
15 April 29, 2026. See ECF No. 234.

16 In light of the Ninth Circuit’s decision, the parties have reached agreement
17 on a proposed Amended Final Judgment and Permanent Injunction, which is
18 attached to this report as Exhibit A. The parties respectfully request that the Court
19 enter the proposed Amended Final Judgment and Permanent Injunction.

20 The parties also agree that, as a result of the Ninth Circuit’s decision, after
21 entry of the proposed Amended Final Judgment and Permanent Injunction, there
22 will be no remaining claims left for the Court to decide. For that reason, the
23 parties respectfully submit that the Status Conference set for June 29, 2026, may be
24 unnecessary and they jointly request that the Court vacate it.

25
26 Dated: June 17, 2026

Respectfully submitted,

27 /s/ Eric A. Shumsky
28 KRISTOPHER R. WOOD (SBN)

/s/ Kelly P. Dunbar
KELLY P. DUNBAR (*pro hac vice*)

1 284727)
2 kristopher.wood@orrick.com
3 ORRICK HERRINGTON &
4 SUTCLIFFE LLP
5 2050 Main Street, Suite 1100
6 Irvine, CA 92614
7 Telephone: (949) 567-6700
8 Facsimile: (949) 567-6710

9 ERIC A. SHUMSKY (SBN 206164)
10 eshumsky@orrick.com
11 ORRICK, HERRINGTON &
12 SUTCLIFFE LLP
13 1152 15th Street NW
14 Washington, DC 20005
15 Telephone: (202) 339-8400
16 Facsimile: (202) 339-8500

17 JAMES F. BENNETT (*pro hac vice*)
18 jrbennett@dowdbennett.com
19 MEGAN S. HEINSZ (*pro hac vice*)
20 mheinsz@dowdbennett.com
21 DOWD BENNETT LLP
22 7733 Forsyth Blvd., Suite 1900
23 St. Louis, MO 63105
24 Telephone: (314) 889-7300
25 Facsimile: (314) 863-2111

26 ***Attorneys for Plaintiffs Fresenius***
27 ***Medical Care Orange County,***
28 ***LLC and Fresenius Medical Care***
Holdings, Inc. d/b/a Fresenius
Medical Care North America

29 /s/ S. Clinton Woods
30 R. MATTHEW WISE
31 Supervising Deputy Attorney General
32 ROB BONTA
33 Attorney General of California
34 MARK R. BECKINGTON
35 Supervising Deputy Attorney General
36 LISA J. PLANK
37 S. CLINTON WOODS

Kelly.Dunbar@wilmerhale.com
ARI HOLTZBLATT (*pro hac vice*)
Ari.Holtzblatt@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6440
Facsimile: (202) 663-6363

JOSHUA A. VITTOR (SBN 326221)
Joshua.Vittor@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, CA 90071
Telephone: (213) 443-5375
Facsimile: (213) 443-5400

Attorneys for Plaintiff DaVita Inc.

/s/ Michael E. Bern
MICHAEL E. BERN (*pro hac vice*)
Michael.Bern@lw.com
ABID R. QURESHI (*pro hac vice*)
Abid.Qureshi@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

ANDREW GRAY (SBN 254594)
Andrew.Gray@lw.com
LATHAM & WATKINS LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626
Telephone: (714) 755-8017
Facsimile: (714) 755-8290

Attorneys for Plaintiff U.S. Renal Care,
Inc.

1 Deputy Attorneys General

2 ***Attorneys for Defendants Rob***
3 ***Bonta, et al.***

/s/ Joseph N. Akrotirianakis
JOSEPH N. AKROTIRIANAKIS (SBN
197971)
jakro@kslaw.com
KING & SPALDING LLP
633 West Fifth Street, Suite 1600
Los Angeles, CA 90071
Telephone: (213) 443-4355
Facsimile: (213) 443-4310

8 ASHLEY C. PARRISH (*pro hac vice*)
9 aparrish@kslaw.com
KING & SPALDING LLP
10 1700 Pennsylvania Avenue, NW
11 2nd Floor
Washington, DC 20006
12 Telephone: (202) 737-0500
13 Facsimile: (202) 626-3737

Attorneys for Plaintiffs Jane Doe,
14 ***Stephen Albright, American Kidney***
15 ***Fund, Inc., and Dialysis Patient***
16 ***Citizens, Inc.***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

I, Kelly P. Dunbar, hereby attest that all other signatories listed above concur in this filing’s content and have authorized me to make this filing.

Dated: June 17, 2026

/s/ Kelly P. Dunbar
Kelly P. Dunbar

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE, *et al.*,

Plaintiffs.

v.

ROB BONTA, in his official capacity as
Attorney General; *et al.*,

Defendants.

No. 8:19-cv-02105 DOC (ADSx)

**[PROPOSED] AMENDED
STIPULATED FINAL
JUDGMENT AND
PERMANENT INJUNCTION**

1 Several Plaintiffs¹ in these related cases filed complaints in 2019 alleging
2 that Assembly Bill No. 290, ch. 862, 2019 Cal. Stat. ____ (“AB 290”), violates their
3 rights under the First and Fourteenth Amendments of the United States
4 Constitution and was preempted by federal law, and therefore could not be
5 lawfully administered or enforced by Defendants.² ECF No. 1; *Fresenius* docket,
6 Case No. 8:19-cv-2130, ECF No. 1.

7 On December 30, 2019, the Court granted a preliminary injunction,
8 enjoining the administration or enforcement of AB 290 in full. *See* ECF No. 58.
9 On January 9, 2024, the Court granted in part and denied in part Plaintiffs’ motions
10 for summary judgment, holding that certain provisions of AB 290 violate the First
11 Amendment of the United States Constitution, and are therefore void. *See* ECF
12 No. 207. The Court also granted in part and denied in part Defendants’ motions
13 for summary judgment, holding that other provisions of AB 290 are constitutional.
14 *See id.* On April 4, 2024, the Court denied Defendants’ motion for
15 reconsideration. *See* ECF No. 214.

16 On May 14, 2024, the Court entered the parties’ stipulated final judgment,
17 permanent injunction, and stay pending appeal. *See* ECF 219. As part of that final
18 judgment, the Court declared that certain provisions of AB 290 violated the First
19 Amendment and were therefore void and could not be administered or enforced by
20

21 _____
22 ¹ The Plaintiffs are Jane Doe; Stephen Albright; the American Kidney Fund,
23 Inc., Dialysis Patient Citizens, Inc., Fresenius Medical Care Orange County, LLC;
24 DaVita Inc.; Fresenius Medical Care Holdings, Inc., doing business as Fresenius
25 Medical Care North America; and U.S. Renal Care, Inc.

26 ² Defendants are Rob Bonta, in his Official Capacity as Attorney General of
27 California; Ricardo Lara, in his Official Capacity as the Director of the California
28 Department of Insurance; Mary Watanabe, in her Official Capacity as Director of
the California Department of Managed Health Care; and Erica Pan, in her official
capacity as Director of the California Department of Public Health. Dr. Pan is
automatically substituted for her predecessor Tomás J. Aragón under Federal Rule
of Civil Procedure 25(d).

1 Defendants. *See id.* The Court also stayed and enjoined implementation or
2 enforcement of AB 290 in its entirety pending the resolution of the parties' appeal
3 to the United States Court of Appeals for the Ninth Circuit. *See id.* Finally, the
4 Court postponed the parties' deadlines to seek any attorneys' fees until after the
5 resolution of any appeals. *See id.*

6 On April 7, 2026, the Ninth Circuit entered a judgment affirming in part and
7 reversing in part this Court's summary judgment order. *See* ECF No. 233. The
8 Ninth Circuit held that AB 290's Financial Assistance Restriction (Sections 3(b)(2)
9 and 5(b)(2)), Patient Disclosure Requirement (Sections 3(c)(2) and 5(c)(2)), and
10 Reimbursement Cap (Sections 3(e)(1) and 5(e)(1)) were unconstitutional. *See id.*
11 While the Ninth Circuit held that AB 290's Coverage Disclosure Requirement
12 (Sections 3(b)(3) and 5(b)(3)) was constitutional, it determined that the
13 unconstitutional provisions of AB 290 could not be severed from the remainder of
14 the statute. *See id.* The Ninth Circuit further held that Plaintiffs' appeal was moot
15 insofar as it challenged this Court's holding that AB 290's Safe Harbor (Section 7)
16 was constitutional. *See id.* Defendants had not appealed this Court's ruling that
17 AB 290's Anti-Steering Provisions (Sections 2(a), 3(b)(4), and 5(b)(4)) were
18 unconstitutional.

19 In light of the Ninth Circuit's decision, Plaintiffs and Defendants, by and
20 through their counsel, have agreed to the entry of this Amended Stipulated Final
21 Judgment and Permanent Injunction. The Court having considered the filings, and
22 with good cause therefor appearing, **HEREBY ORDERS, ADJUDGES, AND**
23 **DECREES** as follows:

24 **DECLARATORY JUDGMENT AND PERMANENT INJUNCTION**

- 25 1. This Court has jurisdiction over the subject matter of this case and
26 over the parties pursuant to 42 U.S.C. § 1331 and 42 U.S.C. § 1983.
- 27 2. The Court may declare the legal rights and obligations of the parties in
28 this action pursuant to 28 U.S.C. § 2201.

