

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

DONALD WELCH, ANTHONY DUK,  
AARON BITZER,

Plaintiffs,

v.

EDMUND G. BROWN, JR.,  
Governor of the State of  
California, In His Official  
Capacity, ANNA M. CABALLERO,  
Secretary of California State  
and Consumer Services Agency,  
In Her Official Capacity,  
DENISE BROWN, Director of  
Consumer Affairs, In Her  
Official Capacity, CHRISTINE  
WIETLISBACH, PATRICIA LOCK-  
DAWSON, SAMARA ASHLEY, HARRY  
DOUGLAS, JULIA JOHNSON,  
SARITA KOHLI, RENEE LONNER,  
KAREN PINES, CHRISTINA WONG,  
In Their Official Capacities  
as Members of the California  
Board of Behavioral Sciences,  
SHARON LEVINE, MICHAEL  
BISHOP, SILVIA DIEGO, DEV  
GNANADEV, REGINALD LOW,  
DENISE PINES, JANET  
SALOMONSON, GERRIE SCHIPSKE,  
DAVID SERRANO SEWELL, BARBARA  
YAROSLAYSKY, In Their  
Official Capacities as

CIV. NO. 2:12-2484 WBS KJN

ORDER RE: MOTION FOR JUDGMENT ON  
THE PLEADINGS

Members of the Medical Board  
of California,  
  
Defendants.

-----oo0oo-----

Defendants move for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) on the ground that plaintiffs' Complaint fails to state a claim as a matter of law.<sup>1</sup> Plaintiffs appear to recognize that the Ninth Circuit's decision in Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2014), forecloses plaintiffs' challenges to SB 1172 based on free speech rights under the First Amendment and substantive due process protections. For the reasons the court previously concluded that plaintiffs were unlikely to prevail on their remaining challenges under the Free Exercise and Establishment Clauses and privacy rights of third parties, the court now finds that those claims fail as a matter of law. See Welch v. Brown, 58 F. Supp. 3d 1079, 1084-91 (E.D. Cal. 2014).

IT IS THEREFORE ORDERED that defendants' motion for judgment on the pleadings be, and the same hereby is, GRANTED. The clerk is instructed to enter judgment in favor of defendants on all claims and close the case.

Dated: July 21, 2015



**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>1</sup> Because oral argument is unnecessary, the hearing on July 27, 2015 is vacated and the motion is taken under submission pursuant to Local Rule 230(g).