

(MANx), CLOSED, CONSOL, CONSOLTR, DISCOVERY, RELATED-G

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:10-cv-03284-CAS-MAN**

Developmental Services Network et al v. David Maxwell-Jolly
et al

Assigned to: Judge Christina A. Snyder

Referred to: Magistrate Judge Margaret A. Nagle

Lead case: [2:10-cv-03259-CAS-MAN](#)

Member case: [\(View Member Case\)](#)

Related Case: [2:08-cv-03315-CAS-MAN](#)

Case in other court: 9TH CCA, 11-55851

Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 04/30/2010

Date Terminated: 03/19/2012

Jury Demand: None

Nature of Suit: 950 Constitutional – State
Statute

Jurisdiction: Federal Question

Plaintiff

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V.

Defendant

David Maxwell-Jolly
*Director of the Department of Health
Care Services, State of California*

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*ATTORNEY TO BE NOTICED***Kenneth Kai-Chun Wang**
(See above for address)
*ATTORNEY TO BE NOTICED***S Paul Bruguera**
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Date Filed	#	Docket Text
04/30/2010	<u>1</u>	COMPLAINT against Defendants California Department of Health Care Services, David Maxwell-Jolly. Case assigned to Judge Otis D Wright, II for all further proceedings. Discovery referred to Magistrate Judge Margaret A. Nagle.(Filing fee \$ 350 PAID), filed by plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties.(car) (ds). (Entered: 05/03/2010)
04/30/2010		21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants California Department of Health Care Services, David Maxwell-Jolly. (car) (Entered: 05/03/2010)
04/30/2010	<u>2</u>	NOTICE of Related Case(s) filed by plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. Related Case(s): 2:08-cv-03315, 2:09-cv-0382, 2:09-cv-00722, 2:09-cv-08642 [See Document for Further Information] (car) (ds). (Entered: 05/03/2010)
04/30/2010	<u>3</u>	NOTICE of Pendency of Other Actions or Proceedings filed by plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (car) (ds). (Entered: 05/03/2010)
04/30/2010	<u>4</u>	NOTICE of Interested Parties filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties [See Document For Further Information as to Interested Parties] (car) Modified on 5/3/2010 (car). (ds). (Entered: 05/03/2010)
05/04/2010	<u>5</u>	PROOF OF SERVICE Executed by Plaintiff Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties, upon Defendant California Department of Health Care Services served on 5/3/2010, answer due 5/24/2010; David Maxwell-Jolly served on 5/3/2010, answer due 5/24/2010. Service of the Summons and Complaint were executed upon Tamara Dahn, Staff Counsel in compliance with Federal Rules of Civil Procedure by personal service. Original Summons NOT returned. (Doi, Kathryn) (Entered: 05/04/2010)
05/06/2010	<u>6</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 08-05 –Related Case– filed. Related Case No: CV 08-03315 CAS(MANx). Case transferred from Judge Otis D Wright, II to Judge Christina A. Snyder for all further proceedings. The case number will now reflect the initials of the transferee Judge CV 10-03284 CAS(MANx).Signed by Judge Christina A. Snyder (rn) (Entered: 05/06/2010)
05/10/2010	<u>7</u>	NOTICE OF MOTION AND MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. Motion set for hearing on 6/7/2010 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum Memorandum of Points and

		Authorities in Support of Motion for Preliminary Injunction, # <u>2</u> Declaration Declaration of Gary Macomber in Support of Motion for Preliminary Injunction, # <u>3</u> Declaration Declaration of P. Dennis Mattson, Ph.D in Support of Motion for Preliminary Injunction, # <u>4</u> Declaration Declaration of Ronald S. Cohen in Support of Motion for Preliminary Injunction, # <u>5</u> Proposed Order [Proposed] Order for Preliminary Injunction)(Doi, Kathryn) (Entered: 05/10/2010)
05/10/2010	<u>8</u>	SUPPLEMENT to Notice (Other) <u>3</u> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Doi, Kathryn) (Entered: 05/10/2010)
05/10/2010	<u>9</u>	REQUEST FOR JUDICIAL NOTICE re MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5)(Doi, Kathryn) (Entered: 05/10/2010)
05/10/2010	<u>10</u>	CERTIFICATE OF SERVICE OF SERVICE filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties, re Request for Judicial Notice, Request for Relief,, <u>9</u> , Supplement (non-motion) <u>8</u> , MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> served on 05102010. (Doi, Kathryn) (Entered: 05/10/2010)
05/11/2010	<u>11</u>	NOTICE of Manual Filing filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties of Exhibit 6, 7, 8, 9, 10 to Plaintiffs' Request for Judicial Notice. (Doi, Kathryn) (Entered: 05/11/2010)
05/11/2010	<u>12</u>	DECLARATION of Pamela Gartman re Notice of Manual Filing (G-92), Notice of Manual Filing (G-92) <u>11</u> re <i>Exhibit 6 to 10 of Plaintiffs' Request for Judicial Notice</i> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Doi, Kathryn) (Entered: 05/11/2010)
05/11/2010	<u>13</u>	REQUEST FOR JUDICIAL NOTICE in Support of Motion for Preliminary Injunction <u>7</u> filed by Plaintiffs Developmental Services Network and United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (gk) (Entered: 05/12/2010)
05/17/2010	<u>14</u>	STIPULATION for Preliminary Injunction as to Responsive Pleading and Preliminary Injunction Motion filed by Defendant California Department of Health Care Services.(Bruguera, S) (Entered: 05/17/2010)
05/20/2010	<u>15</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Stipulation to Extend Time to Respond to Complaint and to Continue Hearing on Motion for Preliminary Injunction filed 5/17/2010 <u>14</u> . The following error(s) was found: Incorrect event selected. The correct event is: Stipulations – (1) Extending Time to Answer (30 days or less) and (2) Continue. Filer selected the event Stipulations – Preliminary Injunction in docketing this filing, and should have selected both events above. Clerk has updated defendants answer due date to 6/11/2010. Proposed order not submitted regarding the motion hearing date, pursuant to Local Rule 52-4.1. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 05/21/2010)
05/20/2010	<u>17</u>	ORDER by Judge Christina A. Snyder granting Stipulation to Continue the responsive pleadings deadline and hearing on Plaintiff's Motion for Preliminary Injunction <u>14</u> . Defendants will file responsive pleadings on or before June 11, 2010; andThe hearing on Plaintiffs Motion for Preliminary Injunction is continued from June 7, 2010, to June 28, 2010 at 10:00 a.m. (pp) (Entered: 05/25/2010)
05/24/2010	<u>16</u>	NOTICE OF MOTION AND MOTION to Consolidate Cases, as to CV10-03259, filed by Defendant California Department of Health Care Services, David

		Maxwell-Jolly. Motion set for hearing on 6/21/2010 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Declaration DECLARATION OF TARA L. NEWMAN IN SUPPORT OF DEFENDANTS MOTION TO CONSOLIDATE ACTIONS, # <u>2</u> Proposed Order [PROPOSED] ORDER ON MOTION TO CONSOLIDATE ACTIONS)(Kim, Jennifer) (Entered: 05/24/2010)
05/26/2010	<u>18</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION to Consolidate Cases as to CV10-03259, <u>16</u> . The following error was found: Local Rule 7.1-1 No Certification of Interested Parties and or no copies. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (pp) (Entered: 05/27/2010)
05/27/2010	<u>19</u>	AMENDED DOCUMENT filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. <i>AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF</i> (Doi, Kathryn) (Entered: 05/27/2010)
05/28/2010	<u>20</u>	OPPOSITION Plaintiffs' Memorandum of Points and Authorities in Opposition re: MOTION to Consolidate Cases, as to CV10-03259, <u>16</u> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Attachments: # <u>1</u> Declaration of Douglas S. Cumming In Support of Plaintiffs' Opposition to Defendants' Motion to Consolidate Actions)(Doi, Kathryn) (Entered: 05/28/2010)
05/28/2010	<u>21</u>	CERTIFICATION AND NOTICE OF INTERESTED PARTIES of Interested Parties filed by Defendant California Department of Health Care Services, David Maxwell-Jolly, identifying DAVID MAXWELL-JOLLY, Director of the Department of Health Care Services of the State of California; and the CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES. (Kim, Jennifer) (Entered: 05/28/2010)
05/31/2010	<u>22</u>	NOTICE OF MOTION AND Cross MOTION to Dismiss Case, Cross MOTION to Dismiss for Lack of Jurisdiction, MOTION to Stay Case pending Resolution of state law issues filed by Defendant California Department of Health Care Services. Motion set for hearing on 6/28/2010 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum Memorandum of Points and Authorities, # <u>2</u> Exhibit Request for Judicial Notice, # <u>3</u> Proposed Order)(Bruguera, S) (Entered: 05/31/2010)
06/03/2010	<u>23</u>	NOTICE TO COUNSEL by Judge Christina A. Snyder. This case has been assigned to the calendar of Judge Christina A. Snyder. Refer to document for further details of the Order. (ps) (Entered: 06/04/2010)
06/04/2010	<u>24</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Amended Complaint filed 5/27/2010 <u>19</u> . The following error(s) was found: Pursuant to General Order 08-02, initiating documents (including amended complaints) should be manually filed and a conformed, filed stamped copy should be emailed in PDF format to CivilIntakeCourtDocs-LA@cacd.uscourts.gov. Title page does not list all parties to the pleading, F.R.Civ.P. 10(a). In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 06/07/2010)
06/07/2010	<u>25</u>	MEMORANDUM in Opposition to Cross MOTION to Dismiss CaseCross MOTION to Dismiss for Lack of Jurisdiction MOTION to Stay Case pending Resolution of state law issues <u>22</u> <i>PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT AND REQUEST FOR STAY</i> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Doi, Kathryn) (Entered: 06/07/2010)
06/07/2010	<u>26</u>	REPLY REPLY IN SUPPORT OF MOTION MOTION to Consolidate Cases, as to CV10-03259, <u>16</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)

06/07/2010	<u>27</u>	OBJECTION OPPOSITION re: MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Defendant David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)
06/07/2010	<u>28</u>	OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION re: MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Attachments: # <u>1</u> Declaration DECLARATION OF SANDRA YIEN IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION, # <u>2</u> Declaration DECLARATION OF SUSAN FLORES IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION, # <u>3</u> Declaration DECLARATION OF TIMOTHY MATSUMOTO IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION, # <u>4</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 1-50), # <u>5</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 51-100), # <u>6</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 101-150), # <u>7</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 151-200), # <u>8</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 201-250), # <u>9</u> Declaration DECLARATION OF ALLAN HARJALA IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION (PAGES 251-301))(Kim, Jennifer) (Entered: 06/07/2010)
06/07/2010	<u>29</u>	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION re MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)
06/07/2010	<u>30</u>	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION re MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)
06/09/2010	<u>31</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Request for Judicial Notice in Support of Defendants' Opposition to Motion for a Preliminary Injunction filed 6/7/2010 <u>29</u> . The following error(s) was found: Incorrect event selected. The correct event is: Requests – For Judicial Notice. Motion Related Document event utilized in docketing this filing. Case number is incorrect or missing. Document cites Case Number CV 10-03259 CAS (MANx). In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 06/09/2010)
06/09/2010	<u>32</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Request for Judicial Notice in Support of Defendants' Opposition to Motion for a Preliminary Injunction filed 6/7/2010 <u>30</u> . The following error(s) was found: Incorrect event selected. The correct event is: Requests – For Judicial Notice. Motion Related Document event utilized in docketing this filing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 06/09/2010)
06/14/2010	<u>33</u>	REPLY to Defendants' Opposition to Motion for a Preliminary Injunction filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Attachments: # <u>1</u>

		Supplement Declaration of Gary Macomber in Support of Plaintiffs' Motion for a Preliminary Injunction, # <u>2</u> Supplement Declaration of P. Dennis Mattson, Ph.D. in Support of Plaintiffs' Motion for Preliminary Injunction, # <u>3</u> Plaintiffs' Request for Judicial Notice in Support of Plaintiffs' Reply to Defendants' Opposition to Motion for Preliminary Injunction; Declaration of Kathryn Doi, # <u>4</u> Plaintiffs' Objections to Declarations Filed by Defendants in Support of Opposition to Motion for Preliminary Injunction)(Doi, Kathryn) (Entered: 06/14/2010)
06/14/2010	<u>34</u>	REPLY REPLY IN SUPPORT OF MOTION TO DISMISS THE COMPLAINT filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/14/2010)
06/15/2010	<u>37</u>	MINUTES: Proceedings: (In Chambers:) DEFENDANT'S MOTION TO CONSOLIDATE ACTIONS (filed 05/24/10) by Judge Christina A. Snyder: The Court finds this motion appropriate for decision without oral argument. FRCP 78; Local Rule 7-15. The hearing date of 6/21/2010, is hereby vacated and the matter is hereby taken under submission. The Court GRANTS Defendant's Motion <u>16</u> and hereby orders that the two matters be Consolidated. Each side is directed to hereinafter submit only one brief. However, upon a showing of good cause, the Court may grant a request to increase the page limits of said briefs beyond those set forth in the Local Rules of Court. Counsel are advised that the Court will allow oversized briefs in only rare instances. (jp) (Entered: 06/17/2010)
06/16/2010	<u>35</u>	REQUEST for Leave of Kathryn Doi and Douglas S. Cumming to Appear for Telephonic <i>Appearance</i> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. Request set for hearing on 6/21/2010 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Proposed Order re Request for Telephonic Appearance at June 21, 2010 Hearing re Motion to Consolidate)(Doi, Kathryn) (Entered: 06/16/2010)
06/16/2010	<u>36</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: REQUEST for Telephonic <i>Appearance at Defendants' Motion to Consolidate of 6/21/2010</i> <u>35</u> . The following error(s) was found: Other error(s) with document(s) are specified below: Filer set the Request for hearing on 6/21/2010. Clerk has terminated the hearing date as to the Request, only. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (jp) (Entered: 06/17/2010)
06/23/2010	<u>38</u>	EX PARTE APPLICATION to Stay Case pending Ruling on Petition for Certiorari filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Declaration of S. Paul Bruguera and Exhibits, # <u>2</u> Proposed Order)(Bruguera, S) (Entered: 06/23/2010)
06/24/2010	<u>39</u>	MEMORANDUM of Points and Authorities in Opposition <i>To Defendants' Ex Parte Application For A Stay Of The Case Proceedings</i> (Attachments: # <u>1</u> Declaration of Mark E. Reagan In Support Of Plaintiffs' Joint Brief In Opposition To Defendants' Ex Parte Application For A Stay Of The Case Proceedings)(Doi, Kathryn) (Entered: 06/24/2010)
06/24/2010	<u>40</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: The Court GRANTS Defendant's Ex Parte Application for Stay of the Case Proceedings <u>38</u> and hereby orders the instant consolidated matters stayed. Within 45 days from the date of this order, or upon the disposition of the petitions for certiorari, whichever occurs first, the parties shall file a joint status report. Plaintiffs' motions for preliminary injunction <u>7</u> and defendant's motion to dismiss <u>22</u> are hereby taken off calendar and the hearing set for 6/28/2010, is hereby vacated pending further order of this Court. Court Reporter: Not Present. (gk) (Entered: 06/24/2010)
03/15/2011	<u>41</u>	ORDER by Judge Christina A. Snyder: Granting Request to Substitute Attorney Mark E. Reagan & Jordan B. Keville in place of attorney Douglas S. Cumming & Kathryn Doi for Plaintiffs Developmental Services Network and Cerebral Palsy/Spastic Childrens Foundation of Los Angeles and Ventura Counties. (mg) (Entered: 03/15/2011)

03/16/2011	<u>42</u>	EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 filed by PLAINTIFFS Developmental Services Network. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(Keville, Jordan) (Entered: 03/16/2011)
03/18/2011	<u>43</u>	Defendant David Maxwell-Jolly's Opposition in Opposition to re: EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 <u>42</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Attachments: # <u>1</u> Declaration of Timothy Matsumoto in Opposition to Plaintiff's Ex Parte Application to Lift Stay of Proceedings)(Wang, Kenneth) (Entered: 03/18/2011)
03/20/2011	<u>44</u>	REPLY In Support Of EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 <u>42</u> <i>Reply In Support of Ex Parte Application</i> filed by Plaintiffs Developmental Services Network, United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties. (Keville, Jordan) (Entered: 03/20/2011)
03/28/2011	<u>45</u>	(IN CHAMBERS) MINUTES ORDER re: Plaintiff's Ex Parte Application to Lift Stay of the Case <u>42</u> by Judge Christina A. Snyder: Court hereby GRANTS plaintiffs' ex parte application to lift the stay. Plaintiffs' motion for a preliminary injunction is restored to the calendar, and a hearing shall be set for 5/2/11 at 12:00 PM. Parties may each file one supplemental brief, not to exceed 10 pages in length, on or before 4/15/11. (kpa) (Entered: 03/29/2011)
04/20/2011	<u>46</u>	MEMORANDUM in Support of MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> [SUPPLEMENTAL] filed by Plaintiff Developmental Services Network. (Attachments: # <u>1</u> Declaration (Supplemental) Jordan Keville, # <u>2</u> Declaration (Second Supplemental) Gary Macomber, # <u>3</u> Declaration (Second Supplemental) Nancy Hayward)(Keville, Jordan) (Entered: 04/20/2011)
04/20/2011	<u>47</u>	Defendant's David Maxwell-Jolly's Supplemental Brief in OPPOSITION to re: MOTION for Preliminary Injunction re: Violation of Federal Medicaid Law <u>7</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Attachments: # <u>1</u> Request for Judicial Notice)(Wang, Kenneth) (Entered: 04/20/2011)
05/02/2011	<u>49</u>	MINUTES OF Motion Hearing held before Judge Christina A. Snyder: Tentative order provided. The Court confers with counsel and counsel argue. The Court takes plaintiffs' Motion for Preliminary Injunction <u>7</u> under submission. Court Reporter: Laura Elias. (gk) (Entered: 05/09/2011)
05/05/2011	<u>48</u>	ORDER by Judge Christina A. Snyder: granting <u>7</u> Motion for Preliminary Injunction. (rrey) (Entered: 05/06/2011)
05/18/2011	<u>50</u>	EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>48</u> OR, IN THE ALTERNATIVE, EX PARTE APPLICATION to Stay pending APPEAL re: Order on Motion for Preliminary Injunction <u>48</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Attachments: # <u>1</u> Defendants' Memorandum of Points and Authorities in Support of Their Ex Parte Application for Reconsideration of Order Granting Plaintiffs' Motion for Preliminary Injunction or, in the Alternative, for a Stay of Said Order Pending Appeal, # <u>2</u> Declaration of Toby Douglas in Support of Defendants' Ex Parte Application for Reconsideration of Order Granting Plaintiffs' Motion for Preliminary Injunction or, in the Alternative, for a Stay of Said Order Pending Appeal, # <u>3</u> Declaration of Maria Enriquez in Support of Defendants' Ex Parte Application for Reconsideration of Order Granting Plaintiffs' Motion for Preliminary Injunction or, in the Alternative, for a Stay of Said Order Pending Appeal, # <u>4</u> [Proposed] Order Granting Defendants' Ex Parte Application for Reconsideration of Order Granting Plaintiffs' Motion for Preliminary Injunction or, in the Alternative, for a Stay of Said Order Pending Appeal)(Wang, Kenneth) (Entered: 05/18/2011)
05/24/2011	<u>51</u>	MINUTES (IN CHAMBERS): DEFENDANTS' EX PARTE APPLICATION FOR RECONSIDERATION OF ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION OR, IN THE ALTERNATIVE, FOR A STAY OF SAID ORDER PENDING APPEAL (filed 05/18/11) ORDER ALTERING OR AMENDING PRELIMINARY INJUNCTION ORDER by Judge Christina A.

		Snyder: The Court hereby DENIES the Director's ex parte application for reconsideration of the Court's Preliminary Injunction Order or, in the alternative, for a stay of said order pending appeal. (bp) (Entered: 05/25/2011)
05/26/2011	<u>52</u>	NOTICE OF APPEAL to the 9th CCA filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. Appeal of Order on Motion for Preliminary Injunction <u>48</u> (Appeal fee FEE NOT PAID.) (Wang, Kenneth) (Entered: 05/26/2011)
05/26/2011	<u>53</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 11-55851, 9TH CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> as to Defendant California Department of Health Care Services. (lr) (Entered: 05/27/2011)
06/01/2011	<u>54</u>	MINUTE ORDER IN CHAMBERS by Judge Christina A. Snyder: This action is hereby removed from this Courts active caseload until further application by the parties or order of this Court. counsel shall file a joint report detailing the status of the case within 30 days and every quarter thereafter until the action has been reactivated on this Courts active caseload or a stipulation for dismissal is filed. This Court retains full jurisdiction over this action and this Order shall not prejudice any party to this action. All dates in this action are hereby VACATED. SEE ORDER. (Made JS-6. Case Terminated.) (im) (Entered: 06/03/2011)
06/02/2011	<u>57</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. The appeal filed May 26, 2011 is preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than June 23, 2011; the answering brief is due July 21, 2011 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. See 9th Cir. R. 3-3(b). Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. Order received in this district on 6/28/2011. (lr) (Entered: 06/30/2011)
06/03/2011	<u>56</u>	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> as to Defendants California Department of Health Care Services, David Maxwell-Jolly; Receipt Number: LA017982 in the amount of \$455. (cbr) (Entered: 06/07/2011)
06/06/2011	<u>55</u>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 5/2/11; Court Reporter: Theresa A. Lanza; Court of Appeals Case Number: 11-55851; Re: <u>52</u> (Wang, Kenneth) (Entered: 06/06/2011)
06/07/2011	<u>58</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. Based on a review of the Mediation Questionnaire, these cases are not selected for inclusion in the Mediation Program. The existing briefing schedules remain in effect. Counsel for any party interested in obtaining assistance from the court in pursuing settlement of the case on appeal or learning more about the Mediation Program is encouraged to contact Roxane G. Ashe, Circuit Mediator, by fax (415) 355-8566. The communication will be kept confidential, if requested, from the other parties in the case. Counsel are requested to send copies of this order to their clients. Order received in this district on 6/28/2011. (lr) (Entered: 06/30/2011)
06/22/2011	<u>59</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. The is court sua sponte consolidates these preliminary injunction appeals. The currently established briefing schedule remain in effect. All parties on a side are encouraged to join in a single brief to the greatest extent practicable. See 9th Cir. R. 28-4. All pending motions shall be addressed by separate order. Order received in this district on 6/28/2011. (lr) (Entered: 06/30/2011)

06/24/2011	<u>60</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. The joint opening brief submitted on June 23, 2011 is filed. Order received in this district on 6/28/2011. (lr) (Entered: 06/30/2011)
06/28/2011	<u>61</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. These are consolidated preliminary injunction appeals. Appellants' and appellees' unopposed motions to take judicial notice are granted. Appellants' opposed emergency motions to stay the district court's May 6, 2011 order pending appeal are granted. See Leiva-Perez v. Holder, 640 F.3d 962, 966-67(9th Cir. 2011)(per curiam)(citing Nken v. Holder, 129 S. Ct. 1749 (2009) and Hilton v. Braunskill, 481 U.S. 770(1987). Appellants' opposed motions to expedite proceedings are granted in part. The previously established briefing schedule remains in effect. These consolidated appeals will be calendared for oral argument for the week of October 11, 2011, at The Richard H. Chambers Courthouse in Pasadena, California. Order received in this district on 6/28/2011. (lr) (Entered: 06/30/2011)
06/30/2011	<u>62</u>	STATUS REPORT <i>Joint Status Report</i> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Wang, Kenneth) (Entered: 06/30/2011)
07/05/2011	<u>63</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: The Court is in receipt of the Joint Status Report filed 6/30/2011. The Court vacates its 6/1/2011 minute order <u>54</u> , only to the extent that the parties were to file quarterly joint reports detailing the status of the case. The parties shall file a Joint Status Report after the Ninth Circuit has issued its ruling on the appeal. Court Reporter: Not Present. (gk) (Entered: 07/06/2011)
07/25/2011	<u>64</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. The answering brief submitted on July 21, 2011 is filed. Order received in this district on 7/25/2011. (lr) (Entered: 08/01/2011)
07/29/2011	<u>65</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly and California Department of Health Care Services CCA # 11-55851. These are consolidated preliminary injunction appeals. We refer appellees July 22, 2011 joint motion requesting judicial notice to the panel that will hear the merits of this appeal for whatever consideration the panel deems appropriate. The motion for reconsideration raises issues that warrant a response. See 9th Cir. R. 27-10. Accordingly, within 14 days after the filing date of this order, appellants shall file and serve a response in these consolidated appeals. The optional reply brief is due on or before August 9, 2011. Order received in this district on 7/29/2011. (dmap) (Entered: 08/01/2011)
08/19/2011	<u>66</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. Appellees' August 15, 2011 motion for leave to file a reply to the response to the motion for reconsideration is denied. The motion for reconsideration will be addressed by separate order. Briefing is complete. Order received in this district on 8/19/2011. (lr) (Entered: 08/23/2011)
08/24/2011	<u>67</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. Order received in this district on 08/24/11. The opposed motion for reconsideration of the June 28, 2011 order is denied. We refer Appellants' August 9, 2011 motion requesting judicial notice, submitted in conjunction with the optional reply brief, to the panel that will hear the merits of this appeal for whatever consideration the panel deems appropriate. Briefing is complete. (cbr) (Entered: 08/26/2011)
11/30/2011	<u>68</u>	ORDER from 9th CCA filed re: 9th CCA Assigned Case Number Notice <u>53</u> filed by California Department of Health Care Services, CCA # 11-55851. Appellants' Request for Judicial Notice dated 6/3/11, Appellants' Request for Judicial Notice dated 8/8/11, and Appellee's Request for Judicial Notice dated 7/21/11, are DENIED. [See document for further information]. Order received in this district on

		11/30/11. (car) (Entered: 12/02/2011)
01/10/2012	<u>69</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. Appellant's Petition for Rehearing is DENIED. Order received in this district on 1/10/12. (car) (Entered: 01/11/2012)
01/10/2012	<u>70</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> filed by David Maxwell-Jolly, California Department of Health Care Services, CCA # 11-55851. The motion for leave to file brief of amicus curiae Thomas J. Betlach in support of Defendant/Appellant's petition for rehearing is DENIED. Order received in this district on 1/10/12. (car) (Entered: 01/11/2012)
01/18/2012	<u>71</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>52</u> , CCA # 11-55851. The Judgment of the district court is Vacated and Remanded. Mandate received in this district on 1/18/12. (car) (Entered: 01/19/2012)
02/13/2012	<u>72</u>	NOTICE OF MOTION AND MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Plaintiffs Developmental Services Network. Motion set for hearing on 3/19/2012 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration, # <u>3</u> Proposed Order)(Keville, Jordan) (Entered: 02/13/2012)
02/27/2012	<u>73</u>	OPPOSITION to re: MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> <u>72</u> filed by Defendants California Department of Health Care Services, David Maxwell-Jolly. (Wang, Kenneth) (Entered: 02/27/2012)
03/05/2012	<u>74</u>	REPLY IN SUPPORT MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> <u>72</u> DECLARATION; EXHIBIT THERETO filed by Plaintiff Developmental Services Network. (Keville, Jordan) (Entered: 03/05/2012)
03/13/2012	<u>75</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: THE COURT REVIEWS the mandate (judgment or order) of the Ninth Circuit Court of Appeals <u>71</u> : Remanding, vacating. The Court sets a Status Conference re: Filing and Spreading of the Mandate on 3/19/2012 10:00 AM before Judge Christina A. Snyder. (Case reopened. MD JS-5.) Court Reporter: Not Present. (gk) (Entered: 03/14/2012)
03/19/2012	<u>76</u>	MINUTES: Proceedings: Plaintiffs' Motion for Leave to File amended Complaint <u>72</u> ; before Judge Christina A. Snyder: The Court hereby GRANTS plaintiffs motion to file an amended complaint. Court Reporter: Rosalyn Adams. (jp) (Entered: 03/20/2012)
03/19/2012	<u>77</u>	MINUTES: Proceedings: Status Conference Re: Filing and Spreading of 9th Circuit Mandates Hearing held before Judge Christina A. Snyder: That this action is hereby removed from this Court's active caseload until further application by the parties or order of this Court. FURTHER ORDERED that counsel shall file a joint report detailing the status of the case within 60 days and every quarter thereafter until the action has been reactivated on this Courts active caseload or a stipulation for dismissal is filed. This Court retains full jurisdiction over this action and this Order shall not prejudice any party to this action. Court Reporter: Rosalyn Adams. (Made JS-6. Case Terminated.) (jp) (Entered: 03/20/2012)