

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

J.K., a minor by and through R.K., et al.,
on behalf of them selves and all others
similarly situated,

Plaintiff,

vs.

WILL HUMBLE, in his official capacity
as Interim Director of the Arizona
Department of Health Services; DR.
LAURA NELSON, in her official capacity
as Director, Division of Behavioral Health
Services, Arizona, Department of Health
Services; THOMAS J. BETLACH, in his
official capacity as Director, Arizona
Health Care Cost Containment System,

Defendants.

No. 91-cv-261-TUC-JMR

ORDER

Pending before the Court are two motions: Plaintiffs' Motion to Enforce Settlement Agreement (Doc. 491) and Defendants' Cross-Motion to Dismiss Plaintiffs' Motion for Enforcement of Settlement Agreement or, in the Alternative, to Remand for Dispute Resolution Pursuant to the Settlement Agreement (Doc. 483). For the reasons stated below, both of these motions are denied.

The motions in this case were filed more than seven months before the expiration of the settlement agreement period. In the intervening months, it appears that some additional substantive issues have arisen that were not discussed within the motions listed above. *See, e.g.,* Plaintiffs' Request for Status Conference (Doc. 503). Because the motions were filed so early in this case, it would be disadvantageous to rule on the motions now without a full

1 briefing on the issues. The parties must apprise the Court of these new or different
2 substantive issues in new pleadings.

3
4 Accordingly, **IT IS ORDERED:**

5 The Plaintiffs' Motion to Enforce Settlement Agreement (Doc. 491) is **denied**.

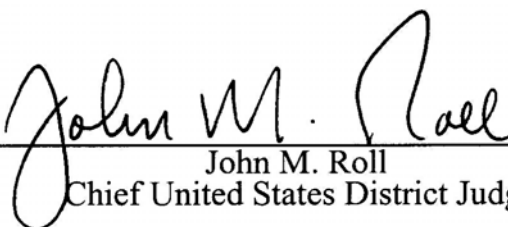
6 The Defendants' Cross-Motion to Dismiss Plaintiffs' Motion for Enforcement of
7 Settlement Agreement or, in the Alternative, to Remand for Dispute Resolution Pursuant to
8 the Settlement Agreement (Doc. 483) is **denied**.

9 Plaintiffs' Request for Status Conference (Doc. 503) is **denied** as moot in light of this
10 order.

11
12 **IT IS FURTHER ORDERED:**

13 Oral argument is scheduled for this case on **Monday, November 22, 2010 at 1:30**
14 **p.m.** The parties shall submit briefs on the issues by October 15, 2010. Responses will be due
15 on October 29, 2010. Optional replies will be due on November 12, 2010. Parties are ordered
16 to address any remaining issues, including those originally mentioned in the motions listed
17 above. The parties are reminded that all filings should conform with the Local Rules of Civil
18 Procedure regarding the length of briefs and the requirements for exhibits to the briefs. *See*
19 *L.R. Civ. 7.2.*

20
21 DATED this 23rd day of September, 2010.

22
23
24
25
26
27
28


John M. Roll
Chief United States District Judge