

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 09-16359
Nature of Suit: 3890 Other Statutory Actions
Lydia Dominguez, et al v. Arnold Schwarzenegger, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Docketed: 06/30/2009
Termed: 07/08/2013

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0971-4 : [4:09-cv-02306-CW](#)
Court Reporter: Diane E. Skillman, Official Court Reporter
Trial Judge: Claudia Wilken, Chief District Judge
Date Filed: 05/26/2009
Date Order/Judgment: 06/26/2009

Date Order/Judgment EOD:
06/26/2009

Date NOA Filed:
06/29/2009

Date Rec'd COA:
06/30/2009

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Companion	09-55365	09-55532	04/08/2009	
Related	09-16359	09-55365	07/24/2009	
	09-16359	09-55532	07/24/2009	
	09-16359	09-55692	07/24/2009	
	09-55692	09-55365	05/19/2009	
	09-55692	09-55532	05/19/2009	

MIKESHA MARTINEZ, by and through her husband and next friend Carlos Martinez

Terminated: 01/19/2010
Plaintiff - Appellee,

SIA CHUE YANG

Terminated: 02/23/2010
Plaintiff - Appellee,

LYDIA DOMINGUEZ, by and through her mother and next friend Lisa Brown

Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
Altshuler Berzon LLP
177 Post Street
San Francisco, CA 94108

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
Altshuler Berzon LLP
177 Post Street
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Peder J. Thoreen
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Altshuler Berzon LLP
177 Post Street
San Francisco, CA 94108

Stephen P. Berzon
[COR NTC Retained]
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177 Post Street
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ALEX BROWN, by and through his mother and next friend Lisa Brown
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

DONNA BROWN, by and through her conservator and next friend Julie Weissman-Steinbaugh
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

CHLOE LIPTON, by and through her conservator and next friend Julie Weissman-Steinbaugh
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

HERBERT M. MEYER, on behalf of themselves and a class of those similiary situated
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]

(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

LESLIE GORDON, on behalf of themselves and a class of those similary situated Plaintiff - Appellee,	Scott A. Kronland [COR LD NTC Retained] (see above) Stacey Leyton, Attorney [COR LD NTC Dep State Atty Gen] (see above) Peder J. Thoreen [COR LD NTC Retained] (see above) Stephen P. Berzon [COR NTC Retained] (see above)
CHARLENE AYERS, on behalf of themselves and a class of those similary situated Plaintiff - Appellee,	Scott A. Kronland [COR LD NTC Retained] (see above) Stacey Leyton, Attorney [COR LD NTC Dep State Atty Gen] (see above) Peder J. Thoreen [COR LD NTC Retained] (see above) Stephen P. Berzon [COR NTC Retained] (see above)
WILLIE BEATRICE SHEPPARD, on behalf of themselves and a class of those similary situated Plaintiff - Appellee,	Scott A. Kronland [COR LD NTC Retained] (see above) Stacey Leyton, Attorney [COR LD NTC Dep State Atty Gen] (see above) Peder J. Thoreen [COR LD NTC Retained] (see above) Stephen P. Berzon [COR NTC Retained] (see above)
ANDY MARTINEZ, on behalf of themselves and a class of those similary situated Plaintiff - Appellee,	Scott A. Kronland [COR LD NTC Retained] (see above) Stacey Leyton, Attorney [COR LD NTC Dep State Atty Gen] (see above) Peder J. Thoreen [COR LD NTC Retained] (see above) Stephen P. Berzon [COR NTC Retained] (see above)
SERVICE EMPLOYEES INTERNATIONAL UNION UNITED HEALTH CARE WORKERS WEST	Scott A. Kronland [COR LD NTC Retained]

Plaintiff - Appellee,

(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

SERVICE EMPLOYEES INTERNATIONAL UNION UNITED
LONG-TERM CARE WORKERS
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]

(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

SERVICE EMPLOYEES INTERNATIONAL UNION CALIFORNIA
STATE COUNCIL
Plaintiff - Appellee,

Scott A. Kronland
[COR LD NTC Retained]
(see above)

Stacey Leyton, Attorney
[COR LD NTC Dep State Atty Gen]
(see above)

Peder J. Thoreen
[COR LD NTC Retained]
(see above)

Stephen P. Berzon
[COR NTC Retained]
(see above)

v.

ARNOLD SCHWARZENEGGAR, Governor of the State of
California
Defendant - Appellant,

Gregory David Brown, Esquire, Deputy Attorney General
Direct: 415-703-5461
[COR LD NTC Government]

AGCA - OFFICE OF THE CALIFORNIA ATTORNEY GENERAL
Suite 11000
455 Golden Gate Avenue
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JOHN A. WAGNER, Director of the California Department of Social Services

Defendant - Appellant,

Gregory David Brown, Esquire, Deputy Attorney General
Direct: 415-703-5461
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(see above)

Susan Marie Carson, Deputy Assistant Attorney General
[COR LD NTC Dep State Atty Gen]

(see above)

James M. Humes, Chief Deputy Attorney General
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(see above)

DAVID MAXWELL-JOLLY, Director of the California Department of Health Care Services

Defendant - Appellant,

Gregory David Brown, Esquire, Deputy Attorney General
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(see above)

Susan Marie Carson, Deputy Assistant Attorney General
[COR LD NTC Dep State Atty Gen]
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Michael A. Zwibelman, Deputy Attorney General
[COR LD NTC Dep State Atty Gen]
(see above)

James M. Humes, Chief Deputy Attorney General
Direct: 916-324-5435
[COR NTC Dep State Atty Gen]
(see above)

JOHN CHIANG, California State Controller
Defendant - Appellant,

Gregory David Brown, Esquire, Deputy Attorney General
Direct: 415-703-5461
[COR LD NTC Government]
(see above)

Susan Marie Carson, Deputy Assistant Attorney General
[COR LD NTC Dep State Atty Gen]
(see above)

Michael A. Zwibelman, Deputy Attorney General
[COR LD NTC Dep State Atty Gen]
(see above)

FRESNO COUNTY
Defendant,

Timothy J. Buchanan, Esquire, Attorney
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[COR LD NTC Retained]
McCormick Barstow, LLP
5 River Park Place East
Fresno, CA 93720

Michael Gary Woods, Esquire, Attorney
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McCormick Barstow, LLP
5 River Park Place East
Fresno, CA 93720

FRESNO COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC
AUTHORITY
Defendant,

Timothy J. Buchanan, Esquire, Attorney
Direct: 559-433-1300
[COR LD NTC Retained]
(see above)

Michael Gary Woods, Esquire, Attorney
Direct: 559-433-1300
[LD NTC Retained]

(see above)

LYDIA DOMINGUEZ, by and through her mother and next friend Lisa Brown; ALEX BROWN, by and through his mother and next friend Lisa Brown; DONNA BROWN, by and through her conservator and next friend Julie Weissman-Steinbaugh; CHLOE LIPTON, by and through her conservator and next friend Julie Weissman-Steinbaugh; HERBERT M. MEYER, on behalf of themselves and a class of those similarly situated; LESLIE GORDON, on behalf of themselves and a class of those similarly situated; CHARLENE AYERS, on behalf of themselves and a class of those similarly situated; WILLIE BEATRICE SHEPPARD, on behalf of themselves and a class of those similarly situated; ANDY MARTINEZ, on behalf of themselves and a class of those similarly situated; SERVICE EMPLOYEES INTERNATIONAL UNION UNITED HEALTH CARE WORKERS WEST; SERVICE EMPLOYEES INTERNATIONAL UNION UNITED LONG-TERM CARE WORKERS; SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521; SERVICE EMPLOYEES INTERNATIONAL UNION CALIFORNIA STATE COUNCIL,

Plaintiffs - Appellees,

v.

ARNOLD SCHWARZENEGGAR, Governor of the State of California; JOHN A. WAGNER, Director of the California Department of Social Services; DAVID MAXWELL-JOLLY, Director of the California Department of Health Care Services; JOHN CHIANG, California State Controller,

Defendants - Appellants,

and

FRESNO COUNTY; FRESNO COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY,

Defendants.

06/30/2009	<input type="checkbox"/> 1 1 pg, 131.73 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND CADS: Yes. The schedule is set as follows: to be set. Preliminary Injunction Appeal. Circuit Rule 3-3. All filings to MOATT. CADS due by Attorney Susan Marie Carson, Deputy Assistant Attorney General due on 6/30/09. [6974959] (RT)
06/30/2009	<input type="checkbox"/> 2 368 pg, 16.89 MB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner EMERGENCY Motion to stay lower court action, Motion to expedite case. Date of service: 06/30/2009. [6975493]--[COURT UPDATE: Attached PDF from 2 additional filings to this filing, motion and all exhibits and declaration now attached to this filing. Entries [6975805] and [6975818] deleted; merged into this filing. Resent NDA. 07/01/2009 by ASW] (SMC)
06/30/2009	<input type="checkbox"/> 3	COURT DELETED ENTRY. MERGED into 2 above. Original text: Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Supplemental Motion to stay lower court action, Motion to expedite case. Date of service: 06/30/2009. [6975805] [Date of Entry: 06/30/2009] (SMC) (SMC)
06/30/2009	<input type="checkbox"/> 4	COURT DELETED ENTRY. MERGED into 2 above. Original text: Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Supplemental Motion to stay lower court action, Motion to expedite case. Date of service: 06/30/2009. [6975818] [Date of Entry: 06/30/2009] (SMC) (SMC)
07/01/2009	<input type="checkbox"/> 5 2 pg, 29.68 KB	Filed order MOATT: (CP) The appeal filed June 29, 2009, is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. If they have not already done so, within 7 calendar days of 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 is established as follows: the opening brief is due not later than July 27, 2009; the answering brief is due August 24, 2009, or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days of service of the answering brief. [6976718] (WL)
07/01/2009	<input type="checkbox"/> 7 19 pg, 983.65 KB	Filed Appellants Civil Appeals Docketing Statement. Served on 06/29/2009. [6978769] (JFF)
07/02/2009	<input type="checkbox"/> 6 2 pg, 26.16 KB	Filed order MEDIATION (MGS): The Court of Appeals' records do not indicate that appellants have filed a Civil Appeals Docketing Statement in accordance with Circuit Rule 3-4. This may be the result of an oversight by counsel or a mistake in the processing by the district court or this court. Within fourteen (14) days of the filing of this order, appellants shall...Failure to comply with this order will result in dismissal pursuant to Ninth Cir. R. 42-1. If appellants have already filed the Civil Appeals Docketing Statement or file it in response to this order, appellants shall also serve a copy, with all attachments, on the Circuit Mediation Office by fax (fax: 415-355-8566). [6978557] (WL)
07/06/2009	<input type="checkbox"/> 8 4 pg, 38.22 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard Unopposed Motion for miscellaneous relief [Leave to Exceed Page Limitation]. Date of service: 07/06/2009. [6982348] (SL)
07/06/2009	<input type="checkbox"/> 9 55 pg, 189.59 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard response opposing motion (Motion (ECF Filing) ,Motion (ECF Filing) motion to expedite case,Motion (ECF Filing) motion to stay lower court action). Date of service: 07/06/2009. [6982366] (SL)
07/06/2009	<input type="checkbox"/> 10 912 pg, 40.32 MB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard response opposing motion (Motion (ECF Filing) ,Motion (ECF Filing) motion to expedite case,Motion (ECF Filing) motion to stay lower court action). Date of service: 07/06/2009. [6982375] (SL)
07/07/2009	<input type="checkbox"/> 11	Attorneys Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon, Stephen P. Berzon and Stephen P. Berzon in 09-16359 substituted by Attorneys Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon, Steven Paul Berzon and Steven Paul Berzon in 09-16359 [6982941] (MA)

07/07/2009	<input type="checkbox"/> 12	Added attorney Anne Arkush for Andy Martinez Herbert M. Meyer Service Employees International Union United Health Care Workers West Charlene Ayers Mikesha Martinez Service Employees International Union Local 521 Alex Brown Chloe Lipton Service Employees International Union United Long-Term Care Workers Leslie Gordon Lydia Dominguez Willie Beatrice Sheppard Donna Brown Service Employees International Union California State Council, in case 09-16359. [6983095] (MA)
07/07/2009	<input type="checkbox"/> 13 179 pg, 5.85 MB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard reply to response (Response to Motion (ECF Filing)). Date of service: 07/07/2009. [6984208] (SL)
07/08/2009	<input type="checkbox"/> 15 1 pg, 43.59 KB	Filed certificate of record on appeal. RT filed in DC 7/2/09 [6986321] (JFF)
07/09/2009	<input type="checkbox"/> 14 1 pg, 68.54 KB	Received copy of transcript designation and ordering form filed in DC. [6986303] (JFF)
07/09/2009	<input type="checkbox"/> 16 46 pg, 1.09 MB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner reply to response (Reply to Response to Motion (ECF Filing) , Response to Motion (ECF Filing) , Response to Motion (ECF Filing)). Date of service: 07/09/2009. [6986597] (SMC)
07/09/2009	<input type="checkbox"/> 17 2 pg, 74.41 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard citation of supplemental authorities. Date of service: 07/09/2009. [6987080] (PJT)
07/10/2009	<input type="checkbox"/> 18 35 pg, 912.59 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Correspondence: Letter to Court dated July 10, 2009. Date of service: 07/10/2009 [6988359] (SMC)
07/13/2009	<input type="checkbox"/> 19 41 pg, 1.7 MB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard response opposing motion (Motion (ECF Filing) ,Motion (ECF Filing) motion to expedite case,Motion (ECF Filing) motion to stay lower court action). Date of service: 07/13/2009. [6989336] (SL)
07/13/2009	<input type="checkbox"/> 20 13 pg, 118.33 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard response opposing motion (Motion (ECF Filing) ,Motion (ECF Filing) motion to expedite case,Motion (ECF Filing) motion to stay lower court action). Date of service: 07/13/2009. [6990397] (SL)
07/14/2009	<input type="checkbox"/> 21 2 pg, 26.29 KB	Filed order (WILLIAM C. CANBY and SIDNEY R. THOMAS) Appellants' emergency motion for a stay of the district court's June 26, 2009 preliminary injunction pending appeal is denied. The court takes judicial notice of the district court's July 13, 2009 amended preliminary injunction. If appellants wish to challenge the amended preliminary injunction, appellants must file a notice of appeal or an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4(a). Appellants' motion to expedite this appeal is granted in part. The briefing schedule established on July 1, 2009 shall remain in effect. If appellants file the opening brief before July 27, 2009, the remainder of the briefing schedule will be reset according to Ninth Circuit Rule 3-3(b). The Clerk shall calendar this case as soon as possible following the completion of briefing. [6991561] (KD)
07/17/2009	<input type="checkbox"/> 22 7 pg, 37.01 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Motion to extend time to file Opening brief until 08/21/2009. Date of service: 07/17/2009. [6996097] (SMC)
07/23/2009	<input type="checkbox"/> 23 1 pg, 25.93 KB	Filed (ECF) notice of appearance of Michael A. Zwibelman for Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 07/23/2009. [7001653] (MAZ)
07/23/2009	<input type="checkbox"/> 24	Added attorney Michael A. Zwibelman for John Chiang Arnold Schwarzenegger David Maxwell-Jolly. [7001791] (JFF)
07/23/2009	<input type="checkbox"/> 25 32 pg, 128.64 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Correspondence:. Date of service: 07/23/2009 [7001826] (SMC)

07/24/2009 <input type="checkbox"/> 26 2 pg, 29.39 KB	Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The court grants in part appellants' unopposed motion for an extension of time to file the opening brief. The opening brief is now due 14 calendar days after the date of this order; the answering brief is due 28 calendar days after service of the opening brief; and the optional reply brief is due within 14 calendar days after service of the answering brief. See 9th Cir. R. 3-3(b). Any further request for extension of time will be strongly disfavored and will not be granted absent extraordinary circumstances. If appellants fail to file timely the opening brief, this appeal will be dismissed automatically by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. The Clerk shall note on the docket that this preliminary injunction appeal is related to appeal Nos. 09-55365, 09-55532, and 09-55692. [7003693] (WL)
07/28/2009 <input type="checkbox"/> 27 41 pg, 210.62 KB	Filed (ECF) Appellants David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Correspondence: Notice of Second Amended Preliminary Injunction Appeal. Date of service: 07/28/2009 [7006873] (MAZ)
07/29/2009 <input type="checkbox"/> 28 2 pg, 25.77 KB	Filed order MEDIATION (LJE): Based on a review of the Civil Appeals Docketing Statement, this case is not selected for inclusion in the Mediation Program. The existing briefing schedule remains 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 the undersigned, 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. [7007559] (WL)
08/06/2009 <input type="checkbox"/> 29 2 pg, 35.05 KB	Filed (ECF) notice of appearance of Gregory D. Brown for Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 08/06/2009. [7019242] (GDB)
08/06/2009 <input type="checkbox"/> 30	Added attorney Gregory David Brown for John Chiang Arnold Schwarzenegger John A. Wagner David Maxwell-Jolly, in case 09-16359. [7019258] (MA)
08/07/2009 <input type="checkbox"/> 31 52 pg, 125.25 KB	Submitted (ECF) Opening brief for review. Submitted by Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 08/07/2009. [7020506] (GDB)
08/07/2009 <input type="checkbox"/> 32 1 pg, 16.48 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Correspondence: letter to clerk dated 8-7-09 re Appellants' Excerpts of Record. Date of service: 08/07/2009 [7020517] (GDB)
08/12/2009 <input type="checkbox"/> 33 3 pg, 32.53 KB	Filed clerk order: Opening Brief [31] filed by John Chiang, Arnold Schwarzenegger, David Maxwell-Jolly and John A. Wagner. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Blue cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7025298] (GLS)
08/14/2009 <input type="checkbox"/> 34	Received 10 paper copies of Opening brief [31] filed by John Chiang, Arnold Schwarzenegger, David Maxwell-Jolly and John A. Wagner in 09-16359. One copy to Case Files, the remainder to Records. [7028886] (SD)
08/20/2009 <input type="checkbox"/> 35 3 pg, 20.5 KB	Filed (ECF) Errata to Opening Brief ([31] Brief Submitted for Review (ECF Filing)). Filed by Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 08/20/2009. [7035438] (GDB)
08/20/2009 <input type="checkbox"/> 36	Filed Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner excerpts of record in 4 volumes. (Index Only) [7043415]--[Edited 12/03/2009 by BY] (FT)
08/20/2009 <input type="checkbox"/> 49	Filed Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner excerpts of record in 4 volumes. [7150142] (PANEL) (FT)
09/04/2009 <input type="checkbox"/> 37	Filed Appellees Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard supplemental excerpts of record on appeal in 2 volumes. [7053194] (FT)
09/04/2009 <input type="checkbox"/> 38 69 pg, 219.45 KB	Submitted (ECF) Answering brief for review. Submitted by Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard. Date of service: 09/04/2009. [7053252]--[COURT UPDATE: Changed type of brief. 09/08/2009 by ASW] (SL)
09/04/2009 <input type="checkbox"/> 40	Filed Appellees' supplemental excerpts of record on appeal in 2 volumes. [7053660] (LA)
09/08/2009 <input type="checkbox"/> 39 1 pg, 28.33 KB	Filed clerk order: Answering Brief [38] filed by Appellees. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Red cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted

electronically. [7053642] (LA)

09/10/2009	<input type="checkbox"/> 41	Received 10 paper copies of Answering brief [38] filed by Appellees in 09-16359. One copy to Case Files, the remainder to Records. [7058409] (SD)
09/18/2009	<input type="checkbox"/> 42 26 pg, 88.68 KB	Submitted (ECF) Reply brief for review. Submitted by Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 09/18/2009. [7067399] (SMC)
09/18/2009	<input type="checkbox"/> 43 1 pg, 28.7 KB	Filed clerk order: Reply Brief [42] filed by John Chiang, Arnold Schwarzenegger, David Maxwell-Jolly and John A. Wagner. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Grey cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7067446] (LA)
09/21/2009	<input type="checkbox"/> 45	Received 10 paper copies of Reply brief [42] filed by John Chiang, Arnold Schwarzenegger, David Maxwell-Jolly and John A. Wagner in 09-16359. (Sent to panel) One copy to Case Files, the remainder to Records. [7070227] (SD)
11/19/2009	<input type="checkbox"/> 46 4 pg, 23.38 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Motion for miscellaneous relief [REQUEST TO SET ORAL ARGUMENT (9TH CIR. RULES 3-3 & 34-3)]. Date of service: 11/19/2009. [7136559] (SMC)
12/02/2009	<input type="checkbox"/> 47	UPDATED CASE CALENDARED: 01/19/2010 9:30 AM Pasadena, CA Courtroom 1 [7149332] [09-55692, 09-55365, 09-16359, 09-55532] (AW)
12/02/2009	<input type="checkbox"/> 48 3 pg, 27.51 KB	Filed clerk order (Deputy Clerk:WL): The State Defendants' request to set oral argument in these cases pursuant to Ninth Circuit Rule 34-3 is GRANTED. The parties shall appear for oral argument on Tuesday, January 19, 2010, at 9:30 a.m. in Pasadena, California. Each side shall have fifteen minutes for argument in each case. [7149348] [09-16359, 09-55365, 09-55532, 09-55692] (WL)
12/04/2009	<input type="checkbox"/> 50 7 pg, 401.44 KB	Notice of Oral Argument on JANUARY Calendar. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: PASADENA Office. Attention: The Notice of Docket Activity may not list your case number. Please open attached documents to view details about your case. [7152667] (LN)
12/29/2009	<input type="checkbox"/> 51 30 pg, 1.58 MB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Mikesha Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West and Service Employees International Union United Long-Term Care Workers Correspondence: Inform the Court that the title of the case has changed.. Date of service: 12/29/2009 [7178568] (PJT)
01/14/2010	<input type="checkbox"/> 52 1 pg, 332.55 KB	Filed (ECF) notice of appearance of James M. Humes for Appellants David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner. Date of service: 01/14/2010. [7195893] (JMH)
01/14/2010	<input type="checkbox"/> 53	Added attorney James M. Humes for Arnold Schwarzenegger John A. Wagner David Maxwell-Jolly [7195920] (JFF)
01/14/2010	<input type="checkbox"/> 54 34 pg, 954.2 KB	Filed (ECF) Appellants David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Motion for miscellaneous relief [Motion to Disqualify Pursuant to 28 U.S.C. s 455(a)]. Date of service: 01/14/2010. [7195962] (JMH)
01/15/2010	<input type="checkbox"/> 55 6 pg, 52.96 KB	Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.)...The motion to disqualify pursuant to 28 U.S.C. § 455(a) is DENIED. [7197125] [09-16359, 09-55365, 09-55532, 09-55692] (KKW)
01/15/2010	<input type="checkbox"/> 56 7 pg, 55.01 KB	Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) ...The motion to disqualify pursuant to 28 U.S.C. § 455(a) is DENIED. [7197514] [09-16359, 09-55365, 09-55532, 09-55692] (KKW)
01/19/2010	<input type="checkbox"/> 57	ARGUED AND SUBMITTED TO STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.. [7199057] (LN)
02/09/2010	<input type="checkbox"/> 58 4 pg, 81.64 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers, Willie Beatrice Sheppard and Sia Chue Yang Correspondence: Title of Case. Date of service: 02/09/2010 [7224829] (PJT)
02/23/2010	<input type="checkbox"/> 59	Terminated Appellee Sia Chue Yang in 09-16359 [7241996] (HH)
03/03/2010	<input type="checkbox"/> 60 26 pg, 478.53 KB	FILED OPINION (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) AFFIRMED. Judge: MDS Authoring. FILED AND ENTERED JUDGMENT. [7250565] (RP)

03/09/2010	<input type="checkbox"/> 61 3 pg, 119.68 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard Correspondence: Letter to West Publishing correcting typographical errors in March 3, 2010 Opinion.. Date of service: 03/09/2010 [7258888] (SL)
03/17/2010	<input type="checkbox"/> 62 7 pg, 932.37 KB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard bill of costs (Form 10) in the amount of 440.50 USD. Date of service: 03/17/2010 [7269171] (SL)
03/24/2010	<input type="checkbox"/> 63 2 pg, 84.53 KB	MANDATE ISSUED.(SR, WAF and MDS) Cost awarded to APPELLEE in the amount of \$316.90. [7277067] (TB)
03/26/2010	<input type="checkbox"/> 64 1 pg, 27.53 KB	Received notice from the Supreme Court: petition for certiorari filed on 03/24/2010. Supreme Court Number 09-1158. [7281772] [09-55532, 09-55365, 09-55692, 09-16359] (SW)
01/21/2011	<input type="checkbox"/> 65 1 pg, 49 KB	Received notice from the Supreme Court. Petition for certiorari GRANTED on 01/18/2011. Supreme Court Number 09-1158. [7262366] [09-55532, 09-55365, 09-55692, 09-16359] (SW)
02/28/2012	<input type="checkbox"/> 66 65 pg, 1.28 MB	Filed (ECF) Appellees Charlene Ayers, Alex Brown, Donna Brown, Lydia Dominguez, Leslie Gordon, Chloe Lipton, Andy Martinez, Herbert M. Meyer, Service Employees International Union California State Council, Service Employees International Union Local 521, Service Employees International Union United Health Care Workers West, Service Employees International Union United Long-Term Care Workers and Willie Beatrice Sheppard citation of supplemental authorities. Date of service: 02/28/2012. [8084086] (SL)
03/26/2012	<input type="checkbox"/> 67 20 pg, 145.04 KB	Received copy of Supreme Court opinion dated 02/22/2012. The judgment or mandate of this Court will not issue for at least 25-days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing. Supreme Court No: 09-1158. [8117290] [09-55532, 09-55365, 09-55692, 09-16359] (RR)
03/26/2012	<input type="checkbox"/> 68 7 pg, 225.7 KB	Received Supreme Court 02/22/2012 certified judgment. On Consideration Whereof, it is ordered and adjudged by this Court that the judgments of the above court are vacated with costs, and the cases are remanded to the United States Court Of Appeals for the Ninth Circuit thereby permitting parties to argue the matter before that Circuit in the first instance. It Is Further Ordered that the petitioners Toby Douglas, Director, California Department of Health Care Services, et al. recovers from Independent Living Center of Southern California, et al. California Pharmacists Association, et al.; California Hospital Association, et al.; Lydia Dominguez, By and Through Her Mother and Next Friend Lisa Brown, et al.; and Santa Rosa Memorial Hospital, et al. Four Thousand Seven Hundred Sixty-three Dollars and Sixty-six Cents (\$4,763.66) for costs herein expended. Supreme Court case number: 09-958, 09-1158, and 10-283. [8117387] [08-56422, 08-56554, 08-57016, 09-55532, 09-55365, 09-55692, 09-16359, 09-17633] (RR)
05/30/2012	<input type="checkbox"/> 69 2 pg, 458.12 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Joint Motion to refer case to mediation. Date of service: 05/30/2012. [8194811] (SMC)
05/30/2012	<input type="checkbox"/> 70 1 pg, 23.58 KB	Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The parties' Joint Motion to Refer Cases to Mediation [D.E. 69] is hereby GRANTED. SO ORDERED. [8195975] (WL)
03/26/2013	<input type="checkbox"/> 71 5 pg, 912.22 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Joint Motion to stay proceedings pending settlement. Date of service: 03/26/2013. [8564649] (SMC)
04/05/2013	<input type="checkbox"/> 72 2 pg, 28.36 KB	Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.)The parties' joint motion to stay this appeal pending approval of a class action settlement (Docket No. 71) is GRANTED. The parties are directed to file a status report with this court no later than 120 days from the date of this order. SO ORDERED. r [8579835] (KKW)
06/28/2013	<input type="checkbox"/> 73 5 pg, 109.95 KB	Filed (ECF) Appellants John Chiang, David Maxwell-Jolly, Arnold Schwarzenegger and John A. Wagner Joint Motion to dismiss case voluntarily pursuant to FRAP 42(b). Date of service: 06/28/2013. [8686025] (GDB)
07/01/2013	<input type="checkbox"/> 74	Terminated Anne Arkush for Willie Beatrice Sheppard, Service Employees International Union United Long-Term Care Workers, Service Employees International Union United Health Care Workers West, Service Employees International Union Local 521, Service Employees International Union California State Council, Herbert M. Meyer, Andy Martinez, Chloe Lipton, Leslie Gordon, Lydia Dominguez, Donna Brown, Alex Brown and Charlene Ayers in 09-16359 (Csl no longer with firm) [8686793] (ASW)
07/08/2013	<input type="checkbox"/> 75 2 pg, 36.36 KB	Order filed (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The Joint Motion to Dismiss Appeal as Moot, filed by the parties on June 28, 2013, is GRANTED. Fed. R. App. P.

42(b). Each party agrees to bear its own costs and fees. The copy of this order sent to the district court shall constitute the mandate of this Court. [8694416] (WL)