

(MANx),CLOSED,DISCOVERY,LEADTR,MANADR,RELATED-G
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:10-cv-03259-CAS-MAN

California Association of Health Facilities v. David
Maxwell-Jolly
Assigned to: Judge Christina A. Snyder
Referred to: Magistrate Judge Margaret A. Nagle
Related Case: 2:08-cv-03315-CAS-MAN
Case in other court: 9th CCA, 11-55852
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 04/30/2010
Date Terminated: 06/10/2014
Jury Demand: None
Nature of Suit: 950 Constitutional – State
Statute
Jurisdiction: Federal Question

Plaintiff

**California Association of Health
Facilities**

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V.

Defendant

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

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Date Filed	#	Docket Text
04/30/2010	<u>1</u>	COMPLAINT against Defendants David Maxwell-Jolly. Case assigned to Judge Christina A. Snyder for all further proceedings. Discovery referred to Magistrate Judge Ralph Zarefsky. (Filing fee \$ 350 PAID.), filed by Plaintiff California Association of

		Health Facilities.(et) (mg). (Entered: 04/30/2010)
04/30/2010		21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendant David Maxwell–Jolly. (et) (Entered: 04/30/2010)
04/30/2010	<u>2</u>	NOTICE AND CERTIFICATE of Interested Parties filed by Plaintiff California Association of Health Facilities. (et) (mg). (Entered: 04/30/2010)
04/30/2010	<u>3</u>	NOTICE TO PARTIES OF ADR PILOT PROGRAM filed. (et) (Entered: 04/30/2010)
04/30/2010	<u>4</u>	NOTICE of Related Case(s) filed by Plaintiff California Association of Health Facilities. Related Case(s): CV 08–3315 CAS (MANx); CV 09–0382 CAS (MANx) see attachment for more details. (et) (mg). (Entered: 04/30/2010)
05/07/2010	<u>5</u>	PROOF OF SERVICE Executed by Plaintiff California Association of Health Facilities, upon Defendant David Maxwell–Jolly served on 5/5/2010, answer due 5/26/2010. Service of the Summons and Complaint were executed upon Director in compliance with Federal Rules of Civil Procedure by personal service. Original Summons returned. (Keville, Jordan) (Entered: 05/07/2010)
05/11/2010	<u>6</u>	NOTICE OF MOTION AND MOTION for Preliminary Injunction re: Rate Freeze filed by Plaintiff California Association of Health Facilities. Motion set for hearing on 6/14/2011 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration Part 1, # <u>3</u> Declaration Part 2, # <u>4</u> Declaration Part 3, # <u>5</u> Declaration, # <u>6</u> Declaration, # <u>7</u> Declaration, # <u>8</u> Proposed Order, # <u>9</u> Supplement Request for Judicial Notice)(Keville, Jordan) (Entered: 05/11/2010)
05/11/2010	<u>7</u>	PROOF OF SERVICE filed by Plaintiff California Association of Health Facilities, re MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> served on 05/11/2010. (Keville, Jordan) (Entered: 05/11/2010)
05/14/2010	<u>8</u>	ORDER RE TRANSFER PURSUANT TO Local Rule 83–1.3.1 and General Order 08.05 –Related Case– filed. Related Case No: CV 08–03315 CAS(MANx). Case referred from Magistrate Judge Ralph Zarefsky to Magistrate Judge Margaret A. Nagle for DISCOVERY. The case number will now read as follows: CV 10–03259 CAS(MANx). Signed by Magistrate Judge Margaret A. Nagle. (rn) (Entered: 05/14/2010)
05/14/2010	<u>9</u>	FIRST STIPULATION Extending Time to Answer the complaint as to David Maxwell–Jolly answer now due 6/11/2010., STIPULATION for Hearing re MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Defendant David Maxwell–Jolly.(Wang, Kenneth) (Entered: 05/14/2010)
05/18/2010	<u>10</u>	First STIPULATION for Order ORDER ON STIPULATION TO EXTEND THE TIME TO RESPOND TO THE INITIAL COMPLAINT BY NOT MORE THAN 30 DAYS (L.R. 8–3) AND TO CONTINUE THE HEARING ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION filed by Defendant David Maxwell–Jolly.(Crane, Chara) (Entered: 05/18/2010)
05/19/2010	<u>11</u>	NOTICE of Change of Attorney Information for attorney Kenneth Kai–Chun Wang counsel for Defendant David Maxwell–Jolly. Adding Richard T. Waldow as attorney as counsel of record for Defendant David Maxwell–Jolly for the reason indicated in the G–06 Notice. Filed by Defendant David Maxwell–Jolly (Wang, Kenneth) (Entered: 05/19/2010)
05/19/2010	<u>12</u>	NOTICE of Change of Attorney Information for attorney Kenneth Kai–Chun Wang counsel for Defendant David Maxwell–Jolly. Adding Jennifer M. Kim as attorney as counsel of record for Defendant David Maxwell–Jolly for the reason indicated in the G–06 Notice. Filed by Defendant David Maxwell–Jolly (Wang, Kenneth) (Entered: 05/19/2010)
05/20/2010	<u>13</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Proposed Order on Stipulation to Extend the Time to Respond to the Initial Complaint by Not More Than 30 Days and to Continue the Hearing on Plaintiff's Motion for Preliminary Injunction filed 5/18/2010 <u>10</u> . The following error(s) was found: This document tendered for the judge's approval should have been submitted as a separate PDF attachment to a Notice of Lodging. 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>15</u>	ORDER ON STIPULATION TO EXTEND the Time to Respond to the Initial Complaint by not more than 30 days (L.R. 8-3) and to Continue the Hearing on Plaintiff's Motion for Preliminary Injunction <u>2</u> by Judge Christina A. Snyder: The Court, having read and considered the Stipulation to Extend The Time To Respond To The Initial Complaint By Not More Than 30 Days (L.R. 8-3) And To Continue The Hearing On Plaintiff's Motion for Preliminary Injunction, hereby orders that (1) the hearing on the Motion for Preliminary Injunction (Motion) is continued to June 28, 2010 at 10:00 a.m. (2) Defendant's Opposition to the Motion is now due on or before June 7, 2010, and (3) Defendant's responsive pleading to the Complaint is due on or before June 11, 2010. (bm) (Entered: 05/25/2010)
05/24/2010	<u>14</u>	NOTICE OF MOTION AND MOTION to Consolidate Cases, as to CV10-03284, filed by Defendant 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)
05/25/2010	<u>16</u>	NOTICE of Change of Attorney Information for attorney Kenneth Kai-Chun Wang counsel for Defendant David Maxwell-Jolly. Adding Tracey L. Angelopoulos as attorney as counsel of record for David Maxwell-Jolly for the reason indicated in the G-06 Notice. Filed by Defendant David Maxwell-Jolly (Wang, Kenneth) (Entered: 05/25/2010)
05/26/2010	<u>17</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION to Consolidate Cases as to CV10-03284 <u>14</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)
05/28/2010	<u>18</u>	OPPOSITION to MOTION to Consolidate Cases, as to CV10-03284, <u>14</u> filed by Plaintiff California Association of Health Facilities. (Keville, Jordan) (Entered: 05/28/2010)
05/28/2010	<u>19</u>	CERTIFICATION AND NOTICE OF INTERESTED PARTIES of Interested Parties filed by Defendant 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>20</u>	NOTICE OF MOTION AND MOTION to Dismiss Case, MOTION to Dismiss for Lack of Jurisdiction, MOTION to Stay Case pending Resolution of state law issues filed by Defendant David Maxwell-Jolly. 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>21</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 details of the Order. (pso) (Entered: 06/04/2010)
06/07/2010	<u>22</u>	MEMORANDUM in Opposition to MOTION to Dismiss Case MOTION to Dismiss for Lack of Jurisdiction MOTION to Stay Case pending Resolution of state law issues <u>20</u> filed by Plaintiff California Association of Health Facilities. (Attachments: # <u>1</u> Supplement REQUEST FOR JUDICIAL NOTICE)(Keville, Jordan) (Entered: 06/07/2010)
06/07/2010	<u>23</u>	REPLY SUPPORT OF MOTION MOTION to Consolidate Cases, as to CV10-03284, <u>14</u> filed by Defendant David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)

06/07/2010	<u>24</u>	OBJECTION opposition re: MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Defendant David Maxwell-Jolly. (Kim, Jennifer) (Entered: 06/07/2010)
06/07/2010	<u>25</u>	OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION re: MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Defendant 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))(Wang, Kenneth) (Entered: 06/07/2010)
06/07/2010	<u>26</u>	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION re MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 06/07/2010)
06/08/2010	<u>27</u>	NOTICE OF ERRATA filed by Defendant David Maxwell-Jolly. correcting Motion Related Document <u>26</u> <i>Request for Judicial Notice</i> (Wang, Kenneth) (Entered: 06/08/2010)
06/08/2010	<u>28</u>	REQUEST FOR JUDICIAL NOTICE <i>in Support of Defendant's Opposition to Motion for Preliminary Injunction</i> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 06/08/2010)
06/14/2010	<u>29</u>	REPLY in Support of MOTION to Dismiss Case MOTION to Dismiss for Lack of Jurisdiction MOTION to Stay Case pending Resolution of state law issues <u>20</u> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 06/14/2010)
06/14/2010	<u>30</u>	RESPONSE IN SUPPORT of MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Plaintiff California Association of Health Facilities. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Nancy Hayward)(Keville, Jordan) (Entered: 06/14/2010)
06/15/2010	<u>31</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>14</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)
06/22/2010	<u>32</u>	EX PARTE APPLICATION to Stay Case pending Ruling on Petition for Cert 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: 06/22/2010)
06/24/2010	<u>33</u>	OPPOSITION to EX PARTE APPLICATION to Stay Case pending Ruling on Petition for Cert <u>32</u> filed by Plaintiff California Association of Health Facilities. (Attachments: # <u>1</u> Declaration re Joint Opposition)(Keville, Jordan) (Entered: 06/24/2010)

		06/24/2010)
06/24/2010	<u>34</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: The Court GRANTS Defendant's Ex Parte Application for Stay of the Case Proceedings <u>32</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>6</u> and defendant's motion to dismiss <u>20</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)
08/06/2010	<u>35</u>	STATUS REPORT <i>Joint</i> filed by Defendant David Maxwell-Jolly. (Bruguera, S) (Entered: 08/06/2010)
02/09/2011	<u>36</u>	NOTICE of Decision: OF GRANTING OF CERTIORARI filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 02/09/2011)
03/14/2011	<u>37</u>	REQUEST to Substitute attorney Mark E. Reagan & Jordan B. Keville in place of attorney Douglas S. Cumming & Kathryn Doi filed by PLAINTIFF California Association of Health Facilities. (Attachments: # <u>1</u> Proposed Order Approving Substitution of Attorney(s))(Keville, Jordan) (Entered: 03/14/2011)
03/15/2011	<u>38</u>	ORDER by Judge Christina A. Snyder: Granting <u>37</u> Request to Substitute Attorney Mark E. Reagan & Jordan B. Keville in place of attorney Douglas S. Cumming & Kathryn Doi for Plaintiff California Association of Health Facilities. (mg) (Entered: 03/15/2011)
03/16/2011	<u>39</u>	EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 filed by PLAINTIFFS California Association of Health Facilities. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(Keville, Jordan) (Entered: 03/16/2011)
03/18/2011	<u>40</u>	Defendant David Maxwell-Jolly's Opposition in Opposition to re: EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 <u>39</u> filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Declaration of Timothy Matsumoto in Oppsosition to Plaintiff's Ex Parte Application to Lift Stay of Proceedings)(Wang, Kenneth) (Entered: 03/18/2011)
03/20/2011	<u>41</u>	REPLY In Support Of EX PARTE APPLICATION to Lift Stay re: PROCEEDINGS EFFECTIVE JUNE 24, 2010 <u>39</u> <i>Reply In Support of Ex Parte Application</i> filed by Plaintiff California Association of Health Facilities. (Keville, Jordan) (Entered: 03/20/2011)
03/28/2011	<u>42</u>	(IN CHAMBERS) MINUTE ORDER re: Plaintiff's Ex Parte Application To Lift Stay of the Case <u>39</u> by Judge Christina A. Snyder: Court GRANTS plaintiffs' ex parte application to lift the stay. Plaintiffs' motion for a preliminary injunction is hereby 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)
04/14/2011	<u>43</u>	STIPULATION for Extension of Time to File Stipulation to Extend The Time to File Supplemental Briefing to Plaintiffs' Motion for Preliminary Injunction filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Proposed Order Re Stipulation to Extend The time to File Supplemental Briefing to Plaintiffs' Motion for Preliminary Injunction)(Bates, Eric) (Entered: 04/14/2011)
04/15/2011	<u>44</u>	ORDER by Judge Christina A. Snyder, re Stipulation for Extension <u>43</u> . The Court extends the time for submission of the supplemental briefs from 4/15/2011 to 4/20/2011. (vdr) (Entered: 04/15/2011)
04/20/2011	<u>45</u>	MEMORANDUM in Support of MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> [SUPPLEMENTAL] filed by Plaintiff California Association of Health Facilities. (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>46</u>	Defendant's David Maxwell-Jolly's Supplemental Brief in OPPOSITION in Opposition re: MOTION for Preliminary Injunction re: Rate Freeze <u>6</u> filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Request for Judicial

		Notice)(Wang, Kenneth) (Entered: 04/20/2011)
04/25/2011	<u>47</u>	NOTICE of Change of Attorney Information for attorney Craig J Cannizzo counsel for Plaintiff California Association of Health Facilities. Adding Craig J. Cannizzo as attorney as counsel of record for California Association of Health Facilities for the reason indicated in the G-06 Notice. Filed by Plaintiff California Association of Health Facilities (Cannizzo, Craig) (Entered: 04/25/2011)
04/28/2011	<u>48</u>	NOTICE OF ERRATA filed by Defendant David Maxwell-Jolly. correcting Objection/Opposition (Motion related), Objection/Opposition (Motion related) <u>46</u> <i>Notice of Errata to Defendant David Maxwell-Jolly's Request for Judicial Notice filed with Defendant's Supplemental Brief in Opposition to Motion for Preliminary Injunction</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Declaration Certificate of Service)(Bates, Eric) (Entered: 04/28/2011)
05/02/2011	<u>50</u>	MINUTES by Judge Christina A. Snyder: Proceedings: Plaintiffs' Motion for Preliminary Injunction <u>6</u> filed 5/11/11 and 5/10/11. Hearing held and counsel are present. Tentative order provided. The Court confers with counsel and counsel argue. The Court takes plaintiffs' Motion for Preliminary Injunction under submission. Court Reporter: Laura Elias. (mg) (Entered: 05/06/2011)
05/05/2011	<u>49</u>	ORDER by Judge Christina A. Snyder: granting <u>6</u> Motion for Preliminary Injunction. (rrey) (Entered: 05/06/2011)
05/12/2011	<u>51</u>	TRANSCRIPT for proceedings held on Monday, 05/02/2011; 12:03 PM. Court Reporter: Theresa Lanza, phone number www.theresalanza.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/2/2011. Redacted Transcript Deadline set for 6/12/2011. Release of Transcript Restriction set for 8/10/2011. (Lanza, Theresa) (Entered: 05/12/2011)
05/12/2011	<u>52</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings Monday, 05/02/2011; 12:03 PM (Lanza, Theresa) (Entered: 05/12/2011)
05/18/2011	<u>53</u>	EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> , EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> filed by Defendants 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)
05/19/2011	<u>54</u>	OPPOSITION re: EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> EX PARTE APPLICATION for Reconsideration re Order on Motion for Preliminary Injunction <u>49</u> <i>OR, IN THE ALTERNATIVE,</i> EX PARTE APPLICATION to Stay pending Appeal re: Order on Motion for Preliminary Injunction <u>49</u> <i>53</i> ; and Declaration of Jordan B. Keville filed by Plaintiff California Association of Health Facilities. (Keville, Jordan) (Entered: 05/19/2011)

05/24/2011	<u>55</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 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. denying <u>53</u> Ex Parte Application for Reconsideration ; denying <u>53</u> Ex Parte Application to Stay (bp) (Entered: 05/25/2011)
05/26/2011	<u>56</u>	NOTICE OF APPEAL to the 9th CCA filed by Defendant David Maxwell-Jolly. Appeal of Order on Motion for Preliminary Injunction <u>49</u> (Appeal fee FEE NOT PAID.) (Wang, Kenneth) (Entered: 05/26/2011)
05/26/2011	<u>58</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 11-55852 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> as to Defendant David Maxwell-Jolly. (dmap) (Entered: 05/27/2011)
05/27/2011	<u>57</u>	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> as to Defendant David Maxwell-Jolly; Receipt Number: LA017572 in the amount of \$455. (dmap) (Entered: 05/27/2011)
06/01/2011	<u>59</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. IT IS FURTHER ORDERED that 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>63</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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)
06/06/2011	<u>60</u>	<i>Plaintiffs' Request that Court Set Status Conference re Compliance</i> re: Order on Motion for Preliminary Injunction <u>49</u> (Keville, Jordan) (Entered: 06/06/2011)
06/06/2011	<u>61</u>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 5/2/11; Court Reporter: Theresa A. Lanza; Court of Appeals Case Number: 11-55852; Re: <u>56</u> (Wang, Kenneth) (Entered: 06/06/2011)
06/07/2011	<u>64</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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)
06/13/2011	<u>62</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Plaintiffs' Request that Court Set Status Conference Re Defendants' Compliance with Preliminary Injunction Order filed 6/6/2011 <u>60</u> . The following error(s) was found: Incorrect event selected. The correct event is: Requests - Hearing. Miscellaneous

		Document event utilized in docketing this filing. Proposed order not submitted 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: 06/13/2011)
06/22/2011	<u>65</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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>66</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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>67</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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 <i>Leiva-Perez v. Holder</i> , 640 F.3d 962, 966-67(9th Cir. 2011)(per curiam)(citing <i>Nken v. Holder</i> , 129 S. Ct. 1749 (2009) and <i>Hilton v. Braunskill</i> , 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>68</u>	STATUS REPORT <i>Joint Status Report</i> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 06/30/2011)
07/05/2011	<u>69</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>59</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)
07/29/2011	<u>70</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly CCA # 11-55852. 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>71</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly CCA # 11-55852. 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. (dmap) (Entered: 08/22/2011)
08/24/2011	<u>72</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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>73</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly CCA # 11-55852. Appellants Request for Judicial

		Notice dated June 3, 2011, Appellants Request for Judicial Notice dated August 8, 2011, and Appellees Request for Judicial Notice dated July 21, 2011, are denied. (dmap) (Entered: 12/02/2011)
01/10/2012	<u>74</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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)
01/10/2012	<u>75</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> filed by David Maxwell-Jolly, CCA # 11-55852. 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>76</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>56</u> <u>49</u> CCA # 11-55852. The decision of the district court is vacated and remanded. Mandate received in this district on 1/18/2012. (dmap) (Entered: 01/20/2012)
02/13/2012	<u>77</u>	NOTICE OF MOTION AND MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Plaintiff California Association of Health Facilities. 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>78</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>77</u> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 02/27/2012)
03/05/2012	<u>79</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>77</u> <i>DECLARATION; AND EXHIBIT THERETO</i> filed by Plaintiff California Association of Health Facilities. (Keville, Jordan) (Entered: 03/05/2012)
03/13/2012	<u>80</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>76</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>81</u>	MINUTES: Proceedings: Plaintiffs' Motion for Leave to File Amended Complaint <u>77</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>82</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 Court's 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)
05/18/2012	<u>83</u>	STATUS REPORT <i>OF THE PARTIES [JOINT]</i> filed by Plaintiff California Association of Health Facilities, Defendant David Maxwell-Jolly. (Keville, Jordan) (Entered: 05/18/2012)
05/21/2012	<u>84</u>	NOTICE OF ERRATA filed by Plaintiff California Association of Health Facilities. (Attachments: # <u>1</u> Amended Status Report)(Keville, Jordan) (Entered: 05/21/2012)
06/07/2013	<u>85</u>	NOTICE Defendants' Notice of Supplemental Authority filed by Defendants David Maxwell-Jolly. (Attachments: # <u>1</u> Exhibit A)(Bruguera, S) (Entered: 06/07/2013)
11/05/2013	<u>86</u>	MINUTES (IN CHAMBERS) STAY OF PROCEEDINGS by Judge Christina A. Snyder: By order dated 7/8/2013, the Court directed the parties in these matters to submit a joint status report. Dkt. #242, in case no. 2:11-CV-09688-CAS(MANx).

		The joint status report was filed on 7/23/2013. Dkt. #243, in case no. 2:11-CV-09688-CAS(MANx). The Court has reviewed the parties' positions set forth therein, as well as the issues presented by the petition for writ of certiorari now pending in the United States Supreme Court, see Supreme Court Docket No. 13-253. Based on the foregoing, the Court finds that there is good cause to stay the proceedings or, if applicable, to continue the existing stay of the proceedings in the above-entitled cases, pending notification from this Court. The parties are directed to file a joint status report with this Court within 14 days after the Supreme Court has taken any action with respect to the above-referenced petition for writ of certiorari. Court Reporter: Not Present. (gk) (Entered: 11/06/2013)
02/07/2014	<u>87</u>	STATUS REPORT <i>of the Parties</i> filed by Defendant David Maxwell-Jolly. (Wang, Kenneth) (Entered: 02/07/2014)
05/27/2014	<u>88</u>	ANSWER to Complaint – (Discovery), <u>1</u> filed by Defendant David Maxwell-Jolly.(Bruguera, S) (Entered: 05/27/2014)
06/02/2014	<u>89</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: The Court hereby lifts the stay in the actions, Case Nos. CV 10-03259 CAS (MANx) and CV 10-03284 CAS (MANx). (Case reopened. MD JS-5.) Court Reporter: Not Present. (gk) (Entered: 06/03/2014)
06/09/2014	<u>90</u>	NOTICE OF MOTION AND Joint MOTION to Dismiss Case <i>Pursuant to FRCP 41</i> filed by Plaintiff California Association of Health Facilities. (Keville, Jordan) (Entered: 06/09/2014)
06/10/2014	<u>91</u>	ORDER ON JOINT STIPULATION FOR DISMISSAL (Fed. R. Civ. Proc. 41) by Judge Christina A. Snyder: The Court having been advised that the parties hereto have agreed to entry of an Order of Dismissal with prejudice of all claims pending in the within consolidated actions <u>90</u> , THE WITHIN CONSOLIDATED ACTIONS ARE HEREBY ORDERED DISMISSED. Each party is to bear its own attorney's fees and costs. (MD JS-6. Case Terminated) (gk) (Entered: 06/10/2014)