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California Supreme Court  
Docket for Case #: S131798

**CALIFORNIANS FOR DISABILITY RIGHTS v. MERVYNS, LLC**

**Date Filed:** Feb. 28, 2005  
**Status:** Closed  
**Date terminated:** July 24, 2006  
**Case Type:** Review - Civil Appeal  
**Related Cases:** S132443, BENSON v. KWIKSET CORPORATION  
S132695, BIVENS v. COREL CORPORATION  
S133075, LYTWYN v. FRYE ELECTRONICS  
S133938, THORNTON v. CAREER TRAINING CENTER  
S134073, SCHULZ v. NEOVI DATA CORPORATION  
S135104, COHEN v. HEALTH NET  
S135587, CONSUMER ADVOCACY GROUP v. KINTETSU ENTERPRISES  
S138751, SCHWARTZ v. VISA INTERNATIONAL SERVICE ASSOCIATION  
S140272, HARTFORD FIRE INSURANCE v. S.C. (TURNER)  
S140396, BIVENS v. GALLERY CORPORATION  
S141766, YOUNG AMERICA CORPORATION v. S.C. (LYNCH)  
**Lower Court Cases:** A106199  
**Decision Date:** 11/13/2006  
**District:** First Appellate District, Div. 4  
**Note:** Other involuntary dismissal  
2002051738  
**District:** Alameda County Superior Court - Main

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**Californians For Disability Rights**

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Pub/Depublication Requestor

Grancare, Llc

Pub/Depublication Requestor

Covenant Care California, Inc.

Amicus curiae

Jarrow Formulas, Inc.

Amicus curiae

California Chamber Of Commerce

Amicus curiae

California League For Environmental Enforcement Now

Amicus curiae

Trial Lawyers For Public Justice

Amicus curiae

National Association Of Consumer Advocates

Amicus curiae

Pacific Legal Foundation

Amicus curiae

Center For Biological Diversity

Amicus curiae

Readylink Healthcare

Amicus curiae

Association Of California Insurance Companies

Amicus curiae

Civil Justice Association Of California

Amicus curiae

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Amicus curiae

Aetna Life Insurance Company

Amicus curiae

Aetna Health Of California, Inc.

Amicus curiae

National Prescription Administrators Inc.

Amicus curiae

Express Scripts, Inc.

Amicus curiae

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**Dispositions**

Status Date	Status
07/24/2006	Opinion: Reversed

**Docket Proceedings**

**Reverse Proceedings**

Req #	Filed	Docket Text
1	Feb. 28, 2005	Opposition filed: by aplts
2	Feb. 28, 2005	Request for depublication filed (initial case event): by Hooper, Lundy & Bookman, Inc. on behalf of Non-Parties Covenant Care California, Inc., GranCare, LLC, and the additional parties represented
3	Mar. 14, 2005	Petition for review filed: by resp c/a rec req
4	Apr. 01, 2005	Answer to petition for review filed: by counsel for aplt. (Californians for Disability Rights)
5	Apr. 06, 2005	Received Court of Appeal record: file jacket/briefs/appendices/one box
6	Apr. 11, 2005	Reply to answer to petition filed: by resp
7	Apr. 27, 2005	Petition for review granted (civil case): Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.
8	May 10, 2005	Certification of interested entities or persons filed: by counsel for aplt. (Californians for Disability Rights)
9	May 17, 2005	Certification of interested entities or persons filed: by counsel for Mervyns, LLC
10	May 31, 2005	Opening brief on the merits filed: by resp (40.1b)
11	June 09, 2005	Request for extension of time filed: for aplt to file the answer brief on the merits, to 7-14-05.
12	June 13, 2005	Extension of time granted: to 7-14-05 for aplt to file the answer brief on the

		merits.
13	July 14, 2005	Answer brief on the merits filed: by appellant
14	July 28, 2005	Request for extension of time filed: by respondent to file the reply brief on the merits, to 8-17-05.
15	Aug. 03, 2005	Extension of time granted: to 8-17-05 for respondent to file the reply brief on the merits.
16	Aug. 17, 2005	Notice of substitution of counsel: Laurence W. Paradis in place of Sidney Wolinsky (appellant)
17	Aug. 23, 2005	Received application to file Amicus Curiae Brief: by AARP in support of appellant, with brief.
18	Aug. 23, 2005	Received: untimely Reply brief on the merits. (sent to justices for approval)
19	Aug. 23, 2005	Reply brief filed (case fully briefed): by respondent Mervyns. (late filing permitted)
20	Aug. 31, 2005	Permission to file amicus curiae brief granted: by AARP in support of appellant. Answers may be filed w/in 20 days.
21	Aug. 31, 2005	Amicus curiae brief filed: by AARP in support of appellant.
22	Sept. 14, 2005	Received application to file Amicus Curiae Brief: by the National Association of Consumer Advocates and Trial Lawyers for Public Justice in support of Appellant
23	Sept. 15, 2005	Received application to file Amicus Curiae Brief: from the Calif. Chamber of Commerce, Calif. Bankers Assn., Calif. Financial Services Assn., Calif. Manufacturers & Technology Assn., and Calif. Motor Car Dealers Assn. in support of Resp. with brief
24	Sept. 15, 2005	Received application to file Amicus Curiae Brief: by Calif. League for Environmental Enforcement in support of Appellant. with brief
25	Sept. 20, 2005	Response to amicus curiae brief filed: respondent [Mervyn's LLC] to AC/brief of AARP.
26	Sept. 21, 2005	Received application to file Amicus Curiae Brief: by Center for Biological Diversity Inc., Environmental Protection Information Center and Electronic Frontier Foundation in support of Appellant. with brief
27	Sept. 22, 2005	Received application to file Amicus Curiae Brief: by Association of Calif. Insurance Companies and American Insurance Association in support of respondent. with brief
28	Sept. 22, 2005	Received application to file Amicus Curiae Brief: by State Farm Mutual Automobile Insurance Co., The Hertz Corp. and Visa U.S.A. Inc. in support of respondent. with brief.
29	Sept. 22, 2005	Received application to file Amicus Curiae Brief: on behalf of a/c EXPRESS SCRIPTS INC., NATIONAL PRESCRIPTION ADMINISTRATORS, AETNA HEALTH OF CALIFORNIA INC. & AETNA LIFE INSURANCE COMPANY
30	Sept. 22, 2005	Received application to file Amicus Curiae Brief: by Pacific Legal Foundation and Central Calif. Citizens Against Lawsuit Abuse in support of Respondent. with brief
31	Sept. 22, 2005	Received application to file Amicus Curiae Brief: on behalf of CONSUMER ATTORNEYS OF CALIFORNIA, JANICE DURAN & JULIA RAMOS
32	Sept. 23, 2005	Received application to file Amicus Curiae Brief: by the Civil Justice Association of Calif. in support of respondent. with brief. (40.1b)
33	Sept. 23, 2005	Received application to file Amicus Curiae Brief: by ReadyLink Healthcare Inc.

		in support of respondent. with brief (40.1b)
34	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Center for Biological Diversity, Inc., et al in support of appellant. Answers may be filed w/in 20 days.
35	Sept. 29, 2005	Amicus curiae brief filed: by the Center for Biological Diversity et al in support of appellant
36	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Consumer Attorneys of California et al in support of appellant. Answers may be filed w/in 20 days.
37	Sept. 29, 2005	Amicus curiae brief filed: by Consumer Attorneys of California et al in support of aplt.
38	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the National Association of Consumer Advocates et al in support of appellant. Answers may be filed w/in 20 days
39	Sept. 29, 2005	Amicus curiae brief filed: by the Nat. Assn. of Consumer Advocates in support of aplt.
40	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Calif. League for Environmental Enforcement Now in support of aplt. Answers may be filed w/in 20 days.
41	Sept. 29, 2005	Amicus curiae brief filed: by the Calif. League for Environmental Enforcement Now in support of aplt.
42	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Civil Justice Association of California in support of respondent. Answers may be filed w/in 20 days.
43	Sept. 29, 2005	Amicus curiae brief filed: by the Civil Justice Association of California in support of respondent.
44	Sept. 29, 2005	Permission to file amicus curiae brief granted: by ExpressScripts Inc. et al. in support of respondent. Answers may be filed w/in 20 days.
45	Sept. 29, 2005	Amicus curiae brief filed: by ExpressScripts et al in support of respondent
46	Sept. 29, 2005	Permission to file amicus curiae brief granted: by State Farm Mutual Automobile Insurance Co. et al. in support of respondent. Answers may be filed w/in 20 days.
47	Sept. 29, 2005	Amicus curiae brief filed: by State Farm Mutual Auto Insurance et al in support of respondent.
48	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Pacific Legal Foundation et al in support of respondent. Answers may be filed w/in 20 days.
49	Sept. 29, 2005	Amicus curiae brief filed: by the Pacific Legal Foundation et al in support of resp.
50	Sept. 29, 2005	Permission to file amicus curiae brief granted: by ReadyLink Healthcare Inc. in support of resp. Answers may be filed w/in 20 days.
51	Sept. 29, 2005	Amicus curiae brief filed: by ReadyLink Healthcare Inc. in support of resp.
52	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the California Chamber of Commerce et al. in support of respondent. Answers may be filed w/in 20 days.
53	Sept. 29, 2005	Amicus curiae brief filed: by the Calif. Chamber of Commerce et al. in support of resp.
54	Sept. 29, 2005	Permission to file amicus curiae brief granted: by the Association of California Insurance Companies et al. in support of respondent. Answers may be filed w/in 20 days.
55	Sept. 29, 2005	Amicus curiae brief filed: by the Association of California Insurance Companies et al in support of respondent.

56	Oct. 11, 2005	Received application to file Amicus Curiae Brief: by Jarrow Formula, Inc., in support of respondent Mervyns LLC app/brief under same cover.
57	Oct. 20, 2005	Response to amicus curiae brief filed: on behalf of respondent MERVYN'S, LLC by counsel to a/c brief of CONSUMER ATTORNEYS OF CALIFORNIA, et al. (40.1)
58	Oct. 20, 2005	Response to amicus curiae brief filed: by counsel for appellant (Californians for Disability Rights) - filed with permission
59	Oct. 20, 2005	Permission to file amicus curiae brief granted: Jarrow Formulas, Inc., in support of respondent.
60	Oct. 20, 2005	Amicus curiae brief filed: Jarrow Formulas, Inc., in support of respondent. Answer is due within twenty days.
61	Nov. 09, 2005	Response to amicus curiae brief filed: by aptl to the A/C brief of Jarrow Formulas
62	Nov. 30, 2005	Change of contact information filed for: appellants. (counsel Disability Rights Advocates)
63	May 02, 2006	Case ordered on calendar: May 31, 2006, at 9:00 a.m., in San Francisco
64	May 22, 2006	Change of contact information filed for: for Sharon J. Arkin.
65	May 31, 2006	Cause argued and submitted
66	July 24, 2006	Opinion filed: Judgment reversed: and the case remanded for further proceedings consistent with this opinion. Opinion filed: Werdegar, J. -----joined by George, C.J., Kennard, Baxter, Chin, and Moreno, JJ. CA First Appellate District - Division Four
67	Aug. 08, 2006	Rehearing petition filed: Californians for Disability Rights, appellant by James C. Strdevant, counsel
68	Aug. 10, 2006	Time extended to consider modification or rehearing: to and including October 20, 2006, or the date upon which rehearing is either granted or denied, whichever occurs first.
69	Aug. 16, 2006	Answer to rehearing petition filed: Respondent Mervyn's LLC Attorneys David F. McDowell, etal
70	Aug. 30, 2006	Rehearing denied: Request for modification denied.
71	Aug. 30, 2006	Remittitur issued (civil case)
72	Mar. 27, 2007	Returned record: Court of Appeal - First District three (3) doghouses - volume 1 & 2 = clerk and reporters transcript/ volume 3 = appelants appendix

This does not constitute the official record of the court. The information is provided "as is" and may be subject to errors or omissions.