

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 09-55532 **Docketed:** 04/08/2009
Nature of Suit: 3950 Constitutionality of State Statutes
California Pharmacists Associa, et al v. David Maxwell-Jolly
Appeal From: U.S. District Court for Central California, Los Angeles
Fee Status: Paid

Case Type Information:

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

Originating Court Information:

District: 0973-2 : [2:09-cv-00722-CAS-MAN](#)
Court Reporter: Blanca Carvajal
Trial Judge: Christina A. Snyder, District Judge
Date Filed: 01/29/2009

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment: 03/09/2009	EOD: 03/10/2009	Filed: 04/07/2009	COA: 04/07/2009

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	

CALIFORNIA PHARMACISTS
ASSOCIATION
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
Hooper, Lundy & Bookman, Inc.
575 Market St.
San Francisco, CA 94105

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
HOOPER, LUNDY & BOOKMAN, INC.

Ste. 1600
1875 Century Park East
Los Angeles, CA 90067-2799

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
HOOPER, LUNDY & BOOKMAN, P.C.
Watt Plaza
1875 Century Park East
Los Angeles, CA 90067

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
Hooper, Lundy & Bookman, Inc.
575 Market St.
San Francisco, CA 94105

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
HOOPER, LUNDY & BOOKMAN, INC.
1875 Century Park East
Los Angeles, CA 90067-2799

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
HOOPER, LUNDY & BOOKMAN, INC.
Suite 1600
1875 Century Park East
Los Angeles, CA 90067-2799

CALIFORNIA MEDICAL ASSOCIATION
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]

(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

CALIFORNIA DENTAL ASSOCIATION
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

CALIFORNIA HOSPITAL ASSOCIATION
Plaintiff - Appellee,

Lloyd A. Bookman, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire

Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

CALIFORNIA ASSOCIATION FOR ADULT
DAY SERVICES

Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

MARIN APOTHECARY, INC., DBA Ross
Valley Pharmacy

Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

SOUTH SACRAMENTO PHARMACY
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125

FARMACIA REMEDIOS, INC.
Plaintiff - Appellee,

[COR NTC Retained]
(see above)

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

ACACIA ADULT DAY SERVICES
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

SHARP MEMORIAL HOSPITAL
Plaintiff - Appellee,

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

GROSSMONT HOSPITAL CORPORATION
Plaintiff - Appellee,

Lloyd A. Bookman, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]

(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

SHARP CHULA VISTA MEDICAL
CENTER

Plaintiff - Appellee,

Lloyd A. Bookman, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

SHARP CORONADO HOSPITAL AND
HEALTHCARE CENTER

Plaintiff - Appellee,

Lloyd A. Bookman, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Craig Cannizzo

[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

FEY GARCIA
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

CHARLES GALLAGHER
Plaintiff - Appellee,

Craig Cannizzo
[COR LD NTC Retained]
(see above)

Michael A. Dubin, Esquire
Direct: 310-551-8111
[COR LD NTC Retained]
(see above)

Jordan B. Keville, Esquire, Attorney
[COR LD NTC Retained]
(see above)

Felicia Y. Sze, Attorney
[COR LD NTC Retained]
(see above)

Lloyd A. Bookman, Esquire, Attorney
[COR NTC Retained]
(see above)

Byron J. Gross, Esquire, Attorney
Direct: 310-551-8125
[COR NTC Retained]
(see above)

v.

DAVID MAXWELL-JOLLY, Director of The
California Department of Health Care Services
Defendant - Appellant,

Shannon Michelle Chambers
Direct: 916-323-3903
[COR LD NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL (SAC)
Firm: 800-952-5225
P.O. Box 944255
Sacramento, CA 94244-2550

Gregory Martin Cribbs, Esquire, Deputy
Assistant Attorney General
Direct: 213-897-2441
[COR LD NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL (LA)
1702
300 South Spring Street

Los Angeles, CA 90013

Randall Raymond Murphy
Direct: 213-897-2493
[COR LD NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL (LA)
Ste. 1702
300 South Spring Street
Los Angeles, CA 90013

Susan Marie Carson, Deputy Assistant
Attorney General
[COR NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL
455 Golden Gate Avenue
San Francisco, CA 94102-7004

James M. Humes, Chief Deputy Attorney
General
Direct: 916-324-5435
[COR NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL (SAC)
Firm: 800-952-5225
P.O. Box 944255
Sacramento, CA 94244-2550

Elizabeth A. Linton, Deputy Attorney General
Direct: 916-323-8549
[COR NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL (SAC)
Firm: 800-952-5225
P.O. Box 944255
Sacramento, CA 94244-2550

Joshua Sondheimer
Direct: 415-703-5615
[COR NTC Dep State Atty Gen]
AGCA - OFFICE OF THE CALIFORNIA
ATTORNEY GENERAL
Suite 11000
455 Golden Gate Avenue
San Francisco, CA 94102-7004

CALIFORNIA PHARMACISTS ASSOCIATION; CALIFORNIA MEDICAL ASSOCIATION; CALIFORNIA DENTAL ASSOCIATION; CALIFORNIA HOSPITAL ASSOCIATION; CALIFORNIA ASSOCIATION FOR ADULT DAY SERVICES; MARIN APOTHECARY, INC., DBA Ross Valley Pharmacy; SOUTH SACRAMENTO PHARMACY; FARMACIA REMEDIOS, INC.; ACACIA ADULT DAY SERVICES; SHARP MEMORIAL HOSPITAL; GROSSMONT HOSPITAL CORPORATION; SHARP CHULA VISTA MEDICAL CENTER; SHARP CORONADO HOSPITAL AND HEALTHCARE CENTER; FEY GARCIA; CHARLES GALLAGHER,

Plaintiffs - Appellees,

v.


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

Defendant - Appellant.

- 04/08/2009 [1](#)
1 pg, 129.93 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND CADS: No. Fee due from Appellant David Maxwell-Jolly on 04/07/2009. Referred to MOATT pursuant to FRAP 3-3. ALL FILINGS ARE TO BE SENT DIRECTLY TO MOATT. (BG)
- 04/08/2009 [2](#)
2 pg, 1.96 KB Received representation notice of Shannon M. Chambers for Appellant. Served on 04/07/2009. (BG)
- 04/08/2009 [3](#)
2 pg, 54.98 KB Filed Appellant David Maxwell-Jolly Civil Appeals Docketing Statement. Served on 04/07/2009. (BG)
- 04/08/2009 [4](#)
8 pg, 49.42 KB Filed order MOATT: (LC) docket fee due.; Setting schedule as follows: Appellant David Maxwell-Jolly opening brief due 05/05/2009. Appellee Acacia Adult Day Services, Appellee California Association For Adult Day Services, Appellee California Dental Association, Appellee California Hospital Association, Appellee California Medical Association, Appellee California Pharmacists Association, Appellee Farmacia Remedios, Inc., Appellee Charles Gallagher, Appellee Fey Garcia, Appellee Grossmont Hospital Corporation, Appellee Marin Apothecary, Inc., Appellee Sharp Chula Vista Medical Center, Appellee Sharp Coronado Hospital and Healthcare Center, Appellee Sharp Memorial Hospital and Appellee South Sacramento Pharmacy answering brief due 06/02/2009. Appellant's optional reply brief is due 14 days after service of the answering brief. Failure to pay the fees or file a motion to proceed in forma pauperis shall result in the automatic dismissal of the appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. If appellant fails 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. (DAF)
- 04/09/2009 [5](#)
1 pg, 67.7 KB Received notification from District Court re: payment of docket fee. Amount Paid: USD 455.00 Date paid: 04/08/2009. (RL)

- 04/13/2009 [6](#)
1 pg, 24.24 KB Filed clerk order (Deputy Clerk:LC): Appellant has paid the filing and docketing fees for this preliminary injunction appeal. The briefing schedule established by the court's April 8, 2009 order shall remain in effect. (BJB)
- 04/17/2009 [7](#)
1 pg, 24.43 KB Filed clerk order (Deputy Clerk:NMG): This is a preliminary injunction appeal. Appellant's oral motion for a 14-day extension of time to file the opening brief is granted. The opening brief is now due May 19, 2009; the answering brief is due June 16, 2009; and the optional reply brief is due within 14 days after service of the answering brief. (BJB)
- 05/05/2009 8
Case rejected from Circuit Mediation Program. [09-15230, 09-15286, 09-15296, 09-15298, 09-15363, 09-15448, 09-15463, 09-15483, 09-15486, 09-15530, 09-15641, 09-15642, 09-15664, 09-35212, 09-55049, 09-55119, 09-55123, 09-55154, 09-55354, 09-55478, 09-55532] (SB)
- 05/13/2009 [9](#)
122 pg, 5.13 MB Filed (ECF) Appellant California Hospital Association in 09-55365 Urgent Motion for miscellaneous relief [Urgent Motion for Clarification Pursuant to Circuit Rules 27-3(B) and 27-10]. Date of service: 05/13/2009. [6919269] [09-55365, 09-55532] (JBK)
- 05/19/2009 [10](#)
25 pg, 88.96 KB Filed (ECF) Appellant David Maxwell-Jolly response opposing motion (Motion (ECF Filing) ,Motion (ECF Filing) motion for miscellaneous relief (to be used only if no other relief applies)). Date of service: 05/19/2009. [6926548] (GMC)
- 05/19/2009 [11](#)
44 pg, 125.78 KB Submitted (ECF) Opening brief for review. Submitted by Appellant David Maxwell-Jolly. Date of service: 05/19/2009. [6926567] (GMC)
- 05/20/2009 13
Filed Appellant David Maxwell-Jolly excerpts of record in 5 volumes. Served on 05/19/2009 (PK)
- 05/21/2009 [12](#)
24 pg, 758.95 KB Filed (ECF) Appellant California Hospital Association in 09-55365 reply to response (Motion (ECF Filing) ,Motion (ECF Filing) motion for miscellaneous relief (to be used only if no other relief applies), Response to Motion (ECF Filing)). Date of service: 05/21/2009. [6929294] [09-55365, 09-55532] (JBK)
- 05/22/2009 [14](#)
1 pg, 23.29 KB Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The court has reviewed appellants' urgent motion for clarification, the opposition thereto, and the reply in support of the motion. The parties shall make themselves available for telephonic oral argument on the emergency motion on Wednesday, May 27, 2009, at 3 p.m. Each party shall provide written notice to the court of the name and telephone number of the attorney who will be appearing at the telephonic argument by

noon on Tuesday, May 26, 2009. Each side shall have fifteen minutes for argument.[09-55365, 09-55532] (KD)



- 05/26/2009  1 pg, 27.63 KB Filed clerk order: Opening Brief [[11](#)] filed by David Maxwell-Jolly. 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. (LA)
- 05/26/2009 17 Received 10 paper copies of Opening brief [[11](#)] filed by David Maxwell-Jolly. One copy to Case Files, the remainder to Records. (WP)
- 05/27/2009 [16](#) 39 pg, 182.63 KB Submitted (ECF) Reply brief for review. Submitted by Appellee California Hospital Association in 09-55532. Date of service: 05/27/2009. [6934780] [09-55365, 09-55532] (JBK)
- 05/28/2009 [18](#) 2 pg, 45.04 KB Filed clerk order: Electronically-filed document [[16](#)] Brief Submitted for Review (ECF Filing) is stricken because there is an error in the document. Brief was submitted incorrectly in case 09-55532, and has deficiencies. See order for details. [09-55365, 09-55532] (LA)
- 06/12/2009 [19](#) 1 pg, 24.25 KB Filed clerk order (Deputy Clerk: DAF): This is a preliminary injunction appeal. The oral motions for a 14-day extension of time to file the answering and reply briefs are granted. The answering brief is now due June 30, 2009. The reply brief is now due July 28, 2009. (DAF)
- 06/30/2009 [20](#) 60 pg, 125.32 KB Submitted (ECF) Answering brief for review. Submitted by Appellees Acacia Adult Day Services, California Association For Adult Day Services, Charles Gallagher and Fey Garcia. Date of service: 06/30/2009. [6975733] (JBK)
- 07/02/2009 [21](#) 2 pg, 29.63 KB Filed clerk order: Answering Brief [[20](#)] filed by Acacia Adult Day Services, California Association For Adult Day Services, Fey Garcia and Charles Gallagher. 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. [6979134] (PK)
- 07/06/2009 22 Received 10 paper copies of Answering brief [[20](#)] filed by Acacia Adult Day Services, California Association For Adult Day Services, Fey Garcia and Charles Gallagher in 09-55532. One copy to Case Files, the remainder to Records. [6981841] (SJ)
- 07/28/2009 [23](#) 43 pg, 115.09 KB Submitted (ECF) Reply brief for review. Submitted by Appellant David Maxwell-Jolly. Date of service: 07/28/2009. [7007163] (GMC)

- 07/30/2009 [24](#)
2 pg, 29.91 KB Filed clerk order: Reply Brief [[23](#)] filed by David Maxwell-Jolly. 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. [7010403] (PK)
- 08/04/2009 25 Received 10 paper copies of Reply brief [[23](#)] filed by David Maxwell-Jolly in 09-55532. One copy to Case Files, the remainder to Records. [7016166] (SD)
- 11/20/2009 [27](#)
6 pg, 154.86 KB Filed (ECF) Appellant David Maxwell-Jolly Motion for miscellaneous relief [Request To Set Oral Argument (9th Cir. Rules 3-3 & 34-3)]. Date of service: 11/20/2009. [7138211] (GMC)
- 12/02/2009 28 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 [29](#)
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 [30](#)
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. [7152655] [09-55365, 09-55532] (LN)
- 01/14/2010 [31](#)
1 pg, 338.69 KB Filed (ECF) notice of appearance of James M. Humes for Appellant David Maxwell-Jolly. Date of service: 01/14/2010. [7195705] (JMH)
- 01/14/2010 32 Added attorney James M. Humes for David Maxwell-Jolly. [7195856] (RL)
- 01/14/2010 [33](#)
34 pg, 958.51 KB Filed (ECF) Appellant David Maxwell-Jolly Motion for miscellaneous relief [Motion to Disqualify Pursuant to 28 U.S.C. s 455(a)]. Date of service: 01/14/2010. [7195938] (JMH)
- 01/15/2010 [34](#)
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 [35](#)
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"/>	36	ARGUED AND SUBMITTED TO STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.. [7199044] [09-55365, 09-55532] (LN)
03/03/2010	<input type="checkbox"/>	37 34 pg, 515.78 KB	FILED OPINION (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) AFFIRMED. Judge: MDS Authoring. FILED AND ENTERED JUDGMENT. [7250575] (RP)
03/25/2010	<input type="checkbox"/>	38 1 pg, 81.15 KB	MANDATE ISSUED.(SR, WAF and MDS) [7278098] (SW)
03/26/2010	<input type="checkbox"/>	39 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"/>	40 1 pg, 49 KB	Received notice from the Supreme Court. Petition for certiorari GRANTED on 01/18/2011. Supreme Court Number 09-1158. [7620366] [09-55532, 09-55365, 09-55692, 09-16359] (SW)
09/09/2011	<input type="checkbox"/>	41	Transmitted to the U.S. Supreme Court: 1 volume(s) of 9th Circuit U.S. Court of Appeals record proceedings; The district court record is electronic. U.S. Supreme Court Case Number: 09-1158. Tracking Information: FedEx 943607195608. [7887746] (SS)
03/26/2012	<input type="checkbox"/>	42 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"/>	43 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)

- 04/26/2012 [44](#)
4 pg, 39.34 KB Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The parties are directed to file contemporaneous supplemental briefs in their respective cases concerning the effect of Douglas v. Independent Living Center of Southern California, Inc., 132 S. Ct. 1204 (2012). Briefs shall be due 45 days from the filing of this order and shall not exceed 30 pages in length. SO ORDERED. [8154673] [08-56422, 08-57016, 09-55532, 09-55692] (BJB)
- 05/21/2012 [45](#)
2 pg, 686.92 KB Filed (ECF) notice of appearance of Joshua Nathan Sondheimer for Appellant David Maxwell-Jolly. Date of service: 05/21/2012. [8185498]--[COURT UPDATE: Attached correct notice. Resent NDA. 05/23/2012 by RY] (JS)
- 05/22/2012 [46](#)
4 pg, 31.27 KB Filed order (STEPHEN R. REINHARDT, WILLIAM A. FLETCHER and MILAN D. SMITH, JR.) The parties' unanimous joint motion to refer Case Nos. 08-56422, 08-57016, 09-55532, and 09-55692 to mediation, and to continue the supplemental briefing schedule during the pendency of mediation [D.E. 49-1], is hereby GRANTED. SO ORDERED. [8187111] [08-56422, 08-57016, 09-55532, 09-55692] (BJB)
- 05/23/2012 47 Added attorney Joshua Sondheimer for David Maxwell-Jolly, in case 09-55532. [8188772] (CW)
- 05/25/2012 [48](#)
10 pg, 61.74 KB Filed order MEDIATION (BS): Pursuant to this court's order, filed May 22, 2012, these appeals have been referred to the Mediation Program. See Fed. R. App. P. 33 and Ninth Cir. R. 33-1. The court has scheduled a telephone settlement assessment conference, with counsel only, on June 7, 2012, at 2:00 p.m. PACIFIC (San Francisco) Time to discuss whether this case is appropriate for participation in the Mediation Program. The Circuit Mediator will initiate the conference call by contacting each person on the attached list of participants at the telephone number listed. Please be available for the call at least five minutes before the scheduled time. Counsel should review the attached list and inform Mediation Assistant Beatriz Smith by email (Beatriz_Smith@ca9.uscourts.gov) at least 72 hours in advance of the scheduled call of any of the following: (1) any attorneys on the list of counsel who will not be participating in the conference; (2) the direct dial phone number of any participant if it is not listed; and (3) any other corrections to the list. Please notify Chief Circuit Mediator Claudia Bernard immediately by email (Claudia_Bernard@ca9.uscourts.gov) if the dispute is settled, the appeal is dismissed or if counsel has an unavoidable scheduling conflict. Please copy all counsel on any such communications. All discussions that take place in the context of the assessment conference are strictly confidential. For more detailed information

about the assessment conference, confidentiality, the Mediation Program and its procedures generally, please see the attachment to this order and the Mediation Program web site: www.ca9.uscourts.gov/mediation. [8192544] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692] (BJB)

- 05/29/2012 [49](#)
2 pg, 371.13 KB Filed (ECF) notice of appearance of Susan M. Carson for Appellant David Maxwell-Jolly. Date of service: 05/29/2012. [8194348]-- [COURT UPDATE: Attached corrected notice. Resent NDA. 05/30/2012 by RY] (SMC)
- 05/30/2012 [50](#)
2 pg, 514.86 KB Filed (ECF) notice of appearance of Elizabeth Linton for Appellant David Maxwell-Jolly. Date of service: 05/30/2012. [8195690] (EAL)
- 05/30/2012 51 Added attorney Elizabeth A. Linton for David Maxwell-Jolly. [8195719] (RL)
- 05/31/2012 52 Added attorney Susan Marie Carson for David Maxwell-Jolly. [8197695] (RL)
- 06/08/2012 [53](#) 
5 pg, 40.53 KB Filed order MEDIATION (CLB): A dial-in telephonic conference will be held on June 22, 2012, at 10:00 a.m. PACIFIC (San Francisco) Time. Dial-in information is available to counsel of record as an attachment to the electronic filing notification of this order. If any counsel of record is not able to access the dial-in information, please notify the Mediation Program immediately at ca09_mediation@ca9.uscourts.gov. The court will hold an in-person mediation with counsel only on June 27, 2012, at 10:00 a.m., at the U.S. Court of Appeals, 95 Seventh Street, Suite 109, San Francisco, California [telephone (415) 355-7900]. Confidential mediation statements shall be submitted to the undersigned by e-mail (Claudia_Bernard@ca9.uscourts.gov) or by fax (415-355-8566) on or before June 25, 2012. (See order for full text) [8207435] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692] (BJB)
- 06/26/2012 [54](#)
5 pg, 31.22 KB Filed order MEDIATION (CLB): The briefing schedule in 10-55462 is vacated. That case shall be mediated along with the other captioned appeals. In addition to the mediation scheduled for counsel only on June 27, 2012, noticed by previous order, the court will hold an in-person mediation with counsel and principals on August 8, 2012, at 10:00 a.m., at the U.S. Court of Appeals, 95 Seventh Street, Suite 109, San Francisco, California [telephone (415) 355-7900]. All participants should plan to spend the entire day engaged in settlement discussions. [8227815] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)
- 08/13/2012 [55](#) 
5 pg, 40.07 KB Filed order MEDIATION (CLB): The court will hold an in-person mediation on September 6, 2012, at 10:00 a.m., in Sacramento, California, the exact location of which will be established in a future

order. The following counsel shall attend the mediation on behalf of plaintiffs: Lynn Stuart Carman, Esq. and Stanley Lester Friedman, Esq. Individual plaintiffs may attend the mediation, but are not required to do so. The following counsel shall attend the mediation on behalf of intervenors: Craig J. Cannizzo, Esq. and Lloyd A. Bookman, Esq. Representatives of the intervenors shall attend the mediation. The following counsel shall attend the mediation on behalf of defendants: Karin S. Schwartz, Esq. and Elizabeth Linton, Esq. The following individuals shall attend the mediation on behalf of the State defendants (although they need not appear until 1:00 p.m.): Toby Douglas, Director of the Department of Health Care Services and Douglas Press, Deputy Director and Chief Counsel of the Department of Health Care Services. A dial-in telephonic conference will be held on August 15, 2012, at 11:00 a.m. PACIFIC (San Francisco) Time. Dial-in information is available to counsel of record as a separate document attached to the electronic filing notification of this order. If any counsel of record is not able to access the dial-in information, please notify the Mediation Program immediately at ca09_mediation@ca9.uscourts.gov. [8284371] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)

08/31/2012 [56](#)
5 pg, 32.01 KB

Filed order MEDIATION (CLB): The in-person mediation in these cases previously established by the court's order of August 13, 2012, will take place at the U. S. District Courthouse, 501 "I" Street, Sacramento, California, at 10:00 a.m., on September 6, 2012. All participants shall meet in the lobby of the Sixth Floor. The undersigned will then escort participants to the location of the mediation. Assisted listening devices will be provided. Susan Carson shall replace Elizabeth Linton as counsel for the State parties. [8306743] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)

09/11/2012 [57](#)
5 pg, 29.98 KB

Filed order MEDIATION (CLB): The court will hold a further in-person mediation with all counsel of record on October 11, 2012, at 10:30 a.m., at the Richard H. Chambers U.S. Court of Appeals Building, 125 South Grand Avenue, Pasadena California. The parties shall gather in the Attorneys' Lounge. [8318120] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)

10/17/2012 [58](#)
5 pg, 29.67 KB

Filed order MEDIATION (CLB): By October 26, 2012, the State parties shall provide the undersigned and all other parties with a draft settlement agreement. [8363964] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)

07/12/2013 [59](#)
5 pg, 40.85 KB

Filed order MEDIATION (CLB): The court will hold an in-person mediation on August 21, 2013, at 10:00 a.m., at the U.S. Court of

Appeals, 95 Seventh Street, Suite 109, San Francisco, California [telephone (415) 355-7900]. The following counsel shall attend the mediation on behalf of plaintiffs: Lynn Stuart Carman, Esq. and Stanley Lester Friedman, Esq. The following counsel shall attend the mediation on behalf of intervenors: Craig J. Cannizzo, Esq. and Lloyd A. Bookman, Esq. The following counsel shall attend the mediation on behalf of defendants: Karin S. Schwartz, Esq. and Elizabeth Linton, Esq. The following individuals shall attend the mediation on behalf of the State defendants: Douglas Press, Deputy Director and Chief Counsel of the Department of Health Care Services. [8701342] [08-56422, 08-56554, 08-57016, 09-55365, 09-55532, 09-55692, 10-55462] (BJB)