

(MANx),CLOSED,DISCOVERY,MANADR,RELATED-G

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:09-cv-00722-CAS-MAN**

California Pharmacists Association et al v. David Maxwell-Jolly Date Filed: 01/29/2009  
Assigned to: Judge Christina A. Snyder Date Terminated: 06/01/2011  
Referred to: Magistrate Judge Margaret A. Nagle Jury Demand: None  
Related Case: 2:08-cv-03315-CAS-MAN Nature of Suit: 950 Constitutional – State  
Case in other court: 9th CCA, 09-55365 Statute  
9th CCA, 09-55532 Jurisdiction: Federal Question  
Cause: 28:2201 Constitutionality of State Statute(s)

**Plaintiff**

**California Pharmacists Association**

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**Plaintiff**

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**Plaintiff**

**California Dental Association**

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**Plaintiff**

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**Plaintiff**

**California Association For Adult Day Services**

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**Plaintiff**

**Marin Apothecary, Inc.**  
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**Plaintiff**

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**Plaintiff**

**Farmacía Remedios, Inc.**

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**Plaintiff**

**Acacia Adult Day Services**

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**Plaintiff**

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**Plaintiff**

**Grossmont Hospital Corporation**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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V.

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| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 01/29/2009 | <u>1</u> | COMPLAINT against Defendant David Maxwell–Jolly. (Filing fee \$ 350 PAID.), filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (et) (ds). (Entered: 01/29/2009) |

|            |           |  |
|------------|-----------|--|
|            |           | 02/02/2009)  |
| 01/29/2009 |           | 20 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendant David Maxwell–Jolly. (et) (Entered: 02/02/2009)  |
| 01/29/2009 | <u>2</u>  | CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (et) (ds). (Entered: 02/02/2009)   |
| 01/29/2009 | <u>3</u>  | NOTICE TO PARTIES OF ADR PILOT PROGRAM filed. (et) (Entered: 02/02/2009)   |
| 02/02/2009 | <u>4</u>  | EX PARTE APPLICATION to Exceed Page Limitation for Briefing in Support of Motion for Preliminary Injunction filed by Plaintiff California Pharmacists Association.(Gross, Byron) (Entered: 02/02/2009)   |
| 02/02/2009 | <u>5</u>  | MEMORANDUM in Support of EX PARTE APPLICATION to Exceed Page Limitation for Briefing in Support of Motion for Preliminary Injunction <u>4</u> filed by Plaintiff California Hospital Association. (Attachments: # <u>1</u> Declaration of Jordan B. Keville re Ex Parte Notice)(Gross, Byron) (Entered: 02/02/2009)  |
| 02/03/2009 | <u>6</u>  | MEMORANDUM in Support of EX PARTE APPLICATION to Exceed Page Limitation for Briefing in Support of Motion for Preliminary Injunction <u>4</u> <i>AMENDED TO ATTACH EXH A TO DECLARATION OF JORDAN B. KEVILLE</i> . (Gross, Byron) (Entered: 02/03/2009)  |
| 02/03/2009 | <u>8</u>  | NOTICE TO COUNSEL: This case has been assigned to the calendar of Judge Christina A. Snyder. (See Notice for further details). (mmu) (Entered: 02/04/2009)   |
| 02/04/2009 | <u>7</u>  | PROOF OF SERVICE Executed Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia, upon David Maxwell–Jolly served on 2/2/2009, answer due 2/22/2009. The Summons and Complaint were served by Personal service, by Federal statute, upon Connie Ullrich, Authorized Agent. Due Dilligence declaration no. Original Summons no. (Sze, Felicia) (Entered: 02/04/2009)                 |
| 02/04/2009 | <u>9</u>  | MINUTES OF IN CHAMBERS ORDER by Judge Christina A. Snyder re: EX PARTE APPLICATION to Exceed Page Limitation for Briefing in Support of Motion for Preliminary Injunction <u>4</u> . Upon the Court's rview, the Court hereby DENIES Plaintiffs' Ex Parte Application to Exceed Normally Applicable Page limits for Briefing on Motion for Preliminary Injunction. (mmu) (mmu). (Entered: 02/05/2009)  |
| 02/10/2009 | <u>11</u> | STIPULATION for Extension of Time to File First Motion for Preliminary Injunction, Second Motion for Preliminary Injunction, Oppositions and Replies filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Proposed Order Regarding Briefing Schedule for Motions for Preliminary Injunction)(Keville, Jordan) (Entered: 02/10/2009) |
| 02/11/2009 | <u>12</u> | ORDER RE TRANSFER PURSUANT TO Local Rule 83–1.3.1 and General Order 08.05 –Related Case– filed. Related Case No: CV 08–3315 CAS (MANx). Case referred from Magistrate Judge Charles F. Eick to Magistrate Judge Margaret A. Nagle for Discovery. The case number will now read as follows: CV 09–00722 CAS (MANx). Signed by Magistrate Judge Margaret A. Nagle. (rn) (Entered: 02/11/2009)  |
| 02/11/2009 | <u>13</u> | NOTICE OF MOTION AND MOTION for Preliminary Injunction re: Implementation of rate reduction for pharmacies and adult day health care centers filed by Plaintiffs   |

|            |           |   |
|------------|-----------|---|
|            |           | Charles Gallagher, California Pharmacists Association, California Association For Adult Day Services, Marin Apothecary, Inc., South Sacramento Pharmacy, Farmacia Remedios, Inc., Acacia Adult Day Services, Fey Garcia. Motion set for hearing on 3/9/2009 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> memo of ps and as, # <u>2</u> request for judicial notice, # <u>3</u> lodgment of state authorities, # <u>4</u> Proposed Order proposed order, # <u>5</u> Declaration Guadarrama decl, # <u>6</u> Declaration gallagher decl., # <u>7</u> Declaration Garcia decl., # <u>8</u> Declaration dirks decl, # <u>9</u> Declaration Mendez decl., # <u>10</u> Declaration Simmons decl., # <u>11</u> Declaration Traylor decl., # <u>12</u> Declaration Lamar decl., # <u>13</u> Declaration Crown decl., # <u>14</u> Declaration Regalia decl., # <u>15</u> Declaration Kauffman decl., # <u>16</u> Civil Cover Sheet Davis decl., # <u>17</u> Declaration pucket decl., # <u>18</u> Declaration Vega decl., # <u>19</u> Declaration nolcox, # <u>20</u> Declaration Kakar decl., # <u>21</u> Declaration Dominguez decl., # <u>22</u> Declaration Harper decl., # <u>23</u> Declaration sharp decl., # <u>24</u> Declaration Mee decl., # <u>25</u> Civil Cover Sheet Salameh decl., # <u>26</u> Declaration Jeha decl., # <u>27</u> Declaration Medina decl., # <u>28</u> Declaration cable decl., # <u>29</u> Declaration davis decl., # <u>30</u> Declaration Light decl., # <u>31</u> Declaration Basrai decl., # <u>32</u> Declaration youredjian decl., # <u>33</u> Declaration Gaffney decl., # <u>34</u> Declaration Meyers, # <u>35</u> Civil Cover Sheet Cronin decl., # <u>36</u> Civil Cover Sheet wandel decl., # <u>37</u> Declaration Simbeck decl., # <u>38</u> Declaration Brinton decl., # <u>39</u> Civil Cover Sheet Leonelli decl., # <u>40</u> Declaration Bains decl., # <u>41</u> Declaration Lofholm decl., # <u>42</u> Declaration Carrico decl., # <u>43</u> Declaration Lunagaria decl., # <u>44</u> Declaration bertelli decl., # <u>45</u> Declaration Markarian decl., # <u>46</u> Declaration Steen decl., # <u>47</u> Declaration Park decl., # <u>48</u> Declaration Akanwo decl., # <u>49</u> Declaration On decl., # <u>50</u> Declaration Prevost decl., # <u>51</u> Declaration Raymond decl. pt 1, # <u>52</u> Declaration Raymond decl. pt 2, # <u>53</u> Declaration Raymond decl. pt 3, # <u>54</u> Declaration Missaelides decl., # <u>55</u> Declaration Rolston decl., # <u>56</u> Declaration Schondelmeyer decl., # <u>57</u> proof of service)(Sze, Felicia) (Entered: 02/11/2009) |
| 02/11/2009 | <u>14</u> | ORDER REGARDING BRIEFING SCHEDULE FOR MOTIONS FOR PRELIMINARY INJUNCTION by Judge Christina A. Snyder: Upon Stipulation of the parties <u>11</u> , the Court hereby orders the following briefing schedule: 2/11/2009 Filing date for First Motion for Preliminary Injunction (pharmacies and adult day health care centers); 2/13/2009 Filing date for Second Motion for Preliminary Injunction (hospitals); 2/26/2009 Due Date for Defendant's Oppositions to both motions; 3/4/2009 Due Date for Plaintiffs' Reply Briefs to both motions; 3/9/2009 at 10:00 AM Hearing Date. (gk) (Entered: 02/12/2009)   |
| 02/12/2009 | <u>15</u> | NOTICE Notice of Errata filed by Plaintiffs Charles Gallagher, California Pharmacists Association, California Association For Adult Day Services, Marin Apothecary, Inc., South Sacramento Pharmacy, Farmacia Remedios, Inc., Acacia Adult Day Services, Fey Garcia. (Sze, Felicia) (Entered: 02/12/2009)   |
| 02/13/2009 | <u>16</u> | NOTICE OF MOTION AND MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. Motion set for hearing on 3/9/2009 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Proposed Order, # <u>3</u> Declaration of Abigail Wong, # <u>4</u> Declaration of Ann Pumpian, # <u>5</u> Declaration of Art DeNio, # <u>6</u> Declaration of Byron Chell, # <u>7</u> Declaration of C. Duane Dauner, # <u>8</u> Declaration of Deborah Keel, # <u>9</u> Declaration of Dennis Haghghat, # <u>10</u> Declaration of Don Miller, # <u>11</u> Declaration of Edward McDonald, # <u>12</u> Declaration of Henry Zaretsky (part 1 of 2), # <u>13</u> Declaration of Henry Zaretsky (part 2 of 2), # <u>14</u> Declaration of Jim Vaughn, # <u>15</u> Declaration of Karen Testman, # <u>16</u> Declaration of Kathleen Farmer, # <u>17</u> Declaration of Katie Delmore, # <u>18</u> Declaration of Ken Jordan, # <u>19</u> Declaration of Kirby McKague, # <u>20</u> Declaration of Marcia Hall, # <u>21</u> Declaration of Mich Riccioni, # <u>22</u> Declaration of Robert Trautman)(Bookman, Lloyd) (Entered: 02/13/2009)  |
| 02/13/2009 | <u>17</u> | DECLARATION of James Lott in support of MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association,   |

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|            |           | California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Declaration of James Lott, part 2, # <u>2</u> Declaration of James Lott, part 3, # <u>3</u> Declaration of James Lott, Part 4, # <u>4</u> Declaration of James Lott, Part 5, # <u>5</u> Declaration of James Lott, Part 6, # <u>6</u> Declaration of James Lott, Part 7)(Bookman, Lloyd) (Entered: 02/13/2009)   |
| 02/13/2009 | <u>18</u> | SUPPLEMENT to MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> <i>Appendix of State Authority in support of motion</i> filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Appendix Part 2, # <u>2</u> Appendix Part 3)(Bookman, Lloyd) (Entered: 02/13/2009)   |
| 02/13/2009 | <u>19</u> | REQUEST FOR JUDICIAL NOTICE re MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Exhibit RJN Part 2, # <u>2</u> Exhibit RJN Part 3, # <u>3</u> Exhibit RJN Part 4, # <u>4</u> Exhibit Part 5, # <u>5</u> Exhibit RJN Part 6, # <u>6</u> Exhibit RJN Part 7, # <u>7</u> Exhibit RJN Part 8)(Bookman, Lloyd) (Entered: 02/13/2009)   |
| 02/20/2009 | <u>20</u> | STIPULATION for Extension of Time to File Response as to Complaint – (Discovery), Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendant David Maxwell–Jolly. (Attachments: # <u>1</u> Proposed Order Re Stipulation to Extend time for Defendant to file Its Answer and/or Responsive Pleading to the Summons and Complaint)(Murphy, Randall) (Entered: 02/20/2009)   |
| 02/20/2009 | <u>21</u> | Amendment to MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> <i>Notice of Errata re Declaration of Chell</i> filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Keville, Jordan) (Entered: 02/20/2009)  |
| 02/23/2009 | <u>24</u> | ORDER upon Stipulation <u>20</u> granting defendant David Maxwell–Jolly extension to file answer to complaint to 3/5/2009 by Judge Christina A. Snyder (lc) (Entered: 03/03/2009)  |
| 02/26/2009 | <u>22</u> | MEMORANDUM in Opposition to MOTION for Preliminary Injunction re: Implementation of rate reduction for pharmacies and adult day health care centers <u>13</u> filed by Defendant David Maxwell–Jolly. (Attachments: # <u>1</u> Appendix of State Authorities in Support, # <u>2</u> Declaration of Alan Eng, # <u>3</u> Declaration of Connie Kwan, # <u>4</u> Declaration of Debra Ferreria, # <u>5</u> Declaration of Eric Lazarus, # <u>6</u> Declaration of Joe Ann Carroll, # <u>7</u> Declaration Judith Phelps, # <u>8</u> Declaration of Kevi Gorospe, # <u>9</u> Declaration of Susan Flores, # <u>10</u> Declaration of T Allan Hansen, # <u>11</u> Declaration of K. Truworthy, # <u>12</u> Declaration of Douglas – Part 1, # <u>13</u> Declaration of Douglas – Pharm – Part 2, # <u>14</u> Declaration of DOuglas – Pharm – Part 3, # <u>15</u> Declaration of Douglas – Pharm – Part 4, # <u>16</u> Declaration of Douglas – Pharm – Part 5, # <u>17</u> Declaration of Douglas – Pharm – Part 6, # <u>18</u> Declaration of Douglas – Pharm – Part 7, # <u>19</u> Declaration of Douglas – Pharm – Part 8, # <u>20</u> Supplement Proof of Service re Pharmacies)(Kim, Jennifer) (Entered: 02/27/2009) |
| 02/27/2009 | <u>23</u> | MEMORANDUM in Opposition to MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> filed by Defendant David Maxwell–Jolly. (Attachments: # <u>1</u> Appendix of State Authorities, # <u>2</u> Declaration of Alan Eng, # <u>3</u>   |

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|            |           | Declaration of Donna Shine, # <u>4</u> Declaration of Eric Lazarus, # <u>5</u> Declaration Ernest Ong, # <u>6</u> Declaration Joe Ann Carroll, # <u>7</u> Declaration of Keith Berger, # <u>8</u> Declaration of Linda Machado, # <u>9</u> Declaration of Nancy Hutchison, # <u>10</u> Declaration of Sandra Yien, # <u>11</u> Declaration of Timothy Matsumoto, # <u>12</u> Declaration of William Lau, # <u>13</u> Declaration of William Liu, # <u>14</u> Declaration of Douglas – Hospital – Part 1, # <u>15</u> Declaration of Douglas – Hospital – Part 2, # <u>16</u> Declaration of Douglas – Hospital – Part 3, # <u>17</u> Declaration of Douglas – Hospital – Part 4, # <u>18</u> Declaration of Douglas – Hospital – Part 5, # <u>19</u> Declaration of Douglas – Hospital – Part 6, # <u>20</u> Declaration of Douglas – Hospital – Part 7, # <u>21</u> Declaration of Douglas – Hospital – Part 8, # <u>22</u> Supplement Proof of Service – Hospital)(Kim, Jennifer) (Entered: 02/27/2009) |
| 03/04/2009 | <u>25</u> | REPLY in support MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., Farmacia Remedios, Inc., Acacia Adult Day Services, Grossmont Hospital Corporation, Sharp Chula Vista Medical Center, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Declaration (Supplemental) of Henry W. Zaretsky)(Keville, Jordan) (Entered: 03/04/2009)   |
| 03/04/2009 | <u>26</u> | REPLY to Opposition to Motion for Preliminary Injunction filed by Plaintiffs Charles Gallagher, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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. (Cannizzo, Craig) (Entered: 03/04/2009)  |
| 03/04/2009 | <u>27</u> | DECLARATION of Stephen W. Schondelmeyer in Support of MOTION for Preliminary Injunction re: Implementation of rate reduction for pharmacies and adult day health care centers <u>13</u> filed by Plaintiffs Charles Gallagher, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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. (Cannizzo, Craig) (Entered: 03/04/2009)   |
| 03/04/2009 | <u>28</u> | DECLARATION of Lydia Missaelides in Support of MOTION for Preliminary Injunction re: Implementation of rate reduction for pharmacies and adult day health care centers <u>13</u> filed by Plaintiffs Charles Gallagher, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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. (Cannizzo, Craig) (Entered: 03/04/2009)  |
| 03/04/2009 | <u>29</u> | LODGMET OF STATE AUTHORITIES re MOTION for Preliminary Injunction re: Implementation of rate reduction for pharmacies and adult day health care centers <u>13</u> (REPLY TO OPPOSITION) filed by Plaintiffs Charles Gallagher, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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. (Cannizzo, Craig) (Entered: 03/04/2009)   |
| 03/05/2009 | <u>30</u> | ANSWER to Complaint – (Discovery), Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendant David Maxwell–Jolly.(Murphy, Randall) (Entered: 03/05/2009)   |
| 03/05/2009 | <u>31</u> | SUPPLEMENT to MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Hospital Services <u>16</u> Lodgment of State Authority in Support of Reply filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., Farmacia Remedios, Inc., Acacia Adult Day Services, Grossmont Hospital Corporation, Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center, California Medical Association, Fey  |

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|            |           | Garcia. (Attachments: # <u>1</u> Lodgment of State Authority (part 2 of 3), # <u>2</u> Lodgment, part 3 of 3)(Keville, Jordan) (Entered: 03/05/2009)   |
| 03/05/2009 | <u>32</u> | MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: Proceedings: Order Setting Scheduling Conference on 5/4/2009 at 11:00 AM before Judge Christina A. Snyder. The Scheduling Conference will be held pursuant to F.R.Civ.P 16(b). The parties are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the date of the Rule 16(b) Scheduling Conference and to report to the Court not later than 14 days after they confer on a discovery plan and the other matters required by F.R.Civ.P. 26(f) and the Local Rules of this Court. (See document for further details). (mg) (Entered: 03/06/2009)  |
| 03/09/2009 | <u>33</u> | First EX PARTE APPLICATION for Leave to File a Supplemental Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Ex Parte Application to File a Supplemental MPA in Support of Motion for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services, # <u>2</u> Declaration Declaration of Jordan B. Keville in support of Ex Parte Application to File a Supplemental MPA in Support of Motion for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services, # <u>3</u> Supplemental MPA in support of Motion for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services, # <u>4</u> Proposed Order Proposed Order Granting Ex Parte Application)(Sze, Felicia) (Entered: 03/09/2009) |
| 03/09/2009 | <u>34</u> | MINUTES of Motion Hearing held before Judge Christina A. Snyder: Proceedings: Plaintiff's MOTION for Preliminary Injunction of AB 1183 Rate Reductions for Pharmacies and Adult Day health Care Centers <u>13</u> ; Plaintiff's MOTION for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services <u>16</u> . Hearing held and counsel are present. Tentatives are provided. The Court confers with counsel and counsel argue. The Court takes the above-motions under submission. The Court will issue a final ruling. Court Reporter: Laura Elias. (mg) (Entered: 03/10/2009)   |
| 03/09/2009 | <u>35</u> | ORDER by Judge Christina A. Snyder GRANTING Plaintiffs' MOTION for Preliminary Injunction as to Adult Day Health Centers <u>13</u> . The Court GRANTS plaintiffs' motion for preliminary injunction. The Court hereby orders respondent Director, his agents, servants, employees, attorneys, successors, and all those working in concert with him to refrain from enforcing Cal. Welf. & Inst. Code § 14105.191, as modified by AB 1183 beginning on March 9, 2009, by refraining from reducing by five percent payments to ADHCs provided under the Medi-Cal fee-for-service program. (mg) (Entered: 03/10/2009)  |
| 03/09/2009 | <u>36</u> | ORDER by Judge Christina A. Snyder DENYING Plaintiffs' MOTION for Preliminary Injunction as to Hospitals <u>16</u> . The Court DENIES plaintiffs' motion for preliminary injunction with regard to AB 1183's reimbursement rate reduction to hospitals, without prejudice to its being renewed after the Ninth Circuit rules on the appeal in Independent Living Center of Southern California, Inc. v. Sandra Shewry, CV-08-3315-CAS. (mg)TT (Entered: 03/10/2009)  |
| 03/10/2009 | <u>37</u> | ORDER by Judge Christina A. Snyder DENYING EX PARTE APPLICATION for Leave to File a Supplemental Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction of AB 1183 Rate Reductions for Hospital Services <u>33</u> . (mg) (Entered: 03/10/2009)  |
| 03/10/2009 | <u>38</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: No Certification of Interested Parties, Local Rule 7.1-1 RE: Defendant's Answer to Complaint filed 3/5/2009 <u>30</u> . 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. (gk) (Entered: 03/10/2009)   |

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| 03/11/2009 | <u>39</u> | NOTICE of Interested Parties filed by Defendant David Maxwell-Jolly, (Murphy, Randall) (Entered: 03/11/2009)   |
| 03/11/2009 | <u>40</u> | NOTICE OF APPEAL to the 9th CCA filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. Appeal of Order, <u>36</u> . (Filing fee \$455, receipt number 0973000000005018086.) (Attachments: # <u>1</u> Civil Cover Sheet Civil Appeals Docketing Statement, # <u>2</u> Representation Statement)(Keville, Jordan) (Entered: 03/11/2009)  |
| 03/11/2009 | <u>41</u> | FIRST AMENDED NOTICE OF APPEAL to 9th CIRCUIT filed by Plaintiffs California Hospital Association, Sharp Memorial Hospital, Grossmont Hospital Corporation, Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center. Amending Notice of Appeal to 9th Circuit Court of Appeals,, <u>40</u> Filed On: 3/11/09; Entered On: 3/11/09; (Attachments: # <u>1</u> Amended Representation Statement)(Keville, Jordan) (Entered: 03/11/2009)   |
| 03/12/2009 | <u>42</u> | NOTICE OF APPEAL NOTIFICATION form issued regarding Notice of Appeal to 9th Circuit Court of Appeals,, <u>40</u> as to Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia. (lr) (Entered: 03/12/2009)  |
| 03/12/2009 | <u>43</u> | NOTIFICATION by Circuit Court of Appellate Docket Number 09-55365, 9th CCA Filed by Plaintiffs Charles Gallagher, California Dental Association, California Pharmacists Association, California Hospital Association, California Association For Adult Day Services, Marin Apothecary, Inc., 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, California Medical Association, Fey Garcia regarding Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> (car) (Entered: 03/12/2009)   |
| 03/16/2009 | <u>44</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. The appeal filed March 11, 2009 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule shall apply. Brief schedule set. (cbr) (Entered: 03/17/2009)  |
| 03/23/2009 | <u>45</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. The court has reviewed appellants' emergency motion for an injunction pending appeal, 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 Friday, March 27, 2009, at 3 p.m. Within two days after the date of this order, 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. Each side shall have fifteen minutes for argument. Order received in this district on 3/23/09. (lr) (Entered: 03/25/2009) |
| 03/25/2009 | <u>46</u> | NOTICE OF MOTION AND Renewed MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Pharmacies filed by Plaintiffs California Pharmacists Association, Marin Apothecary, Inc., South Sacramento Pharmacy, Farmacia  |

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|            |           | Remedios, Inc.. Motion set for hearing on 4/13/2009 at 10:00 AM before Judge Christina A. Snyder. (Cannizzo, Craig) (Entered: 03/25/2009)  |
| 03/27/2009 | <u>47</u> | <i>PROOF OF SERVICE</i> re: Order,, <u>35</u> (Gross, Byron) (Entered: 03/27/2009)   |
| 03/27/2009 | <u>48</u> | MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: Pursuant to the Local Rules, the filing of Plaintiffs' Renewed Motion for Preliminary Injunction of AB 1183 Rate Reductions for Pharmacies <u>46</u> for an 4/13/2009 hearing date is untimely. Therefore, the Court continues Plaintiffs' motion to 4/20/2009 at 10:00 AM before Judge Christina A. Snyder, to allow the allotted time for briefing pursuant to the Local Rules. Court Reporter: Not Present. (gk) (Entered: 03/30/2009)  |
| 04/06/2009 | <u>49</u> | <i>Request to Take Hearing Off Calendar</i> re: Renewed MOTION for Preliminary Injunction re: AB 1183 Rate Reductions for Pharmacies <u>46</u> (Cannizzo, Craig) (Entered: 04/06/2009)   |
| 04/06/2009 | <u>55</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals,, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. The Plaintiffs MOTION FOR STAY PENDING APPEAL IS GRANTED. Order received in this district on 4/06/09. (lr) (Entered: 04/10/2009)   |
| 04/07/2009 | <u>50</u> | NOTICE OF APPEAL to the 9th CCA filed by Defendant David Maxwell-Jolly. Appeal of Order,, <u>35</u> . (Kim, Jennifer) (Entered: 04/07/2009)  |
| 04/07/2009 | <u>51</u> | Civil Appeals Docketing Statement received from forwarded to 9th CCA. RE: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> (Kim, Jennifer) (Entered: 04/07/2009)   |
| 04/08/2009 | <u>52</u> | NOTICE OF APPEAL NOTIFICATION form issued regarding Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> as to Defendant David Maxwell-Jolly. (lr) (Entered: 04/08/2009)   |
| 04/08/2009 | <u>54</u> | APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> as to Defendant David Maxwell-Jolly; Receipt Number: 117558 in the amount of \$455. (dmap) (Entered: 04/09/2009)  |
| 04/08/2009 | <u>56</u> | NOTIFICATION by Circuit Court of Appellate Docket Number 09-55532, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> as to Defendant David Maxwell-Jolly. (lr) (Entered: 04/10/2009)  |
| 04/08/2009 | <u>57</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell-Jolly, CCA # 09-55532. The appeal filed April 7, 2009 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. A review of this court's docket reflects that the filing and docketing fees for this preliminary injuntion appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$455.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis. 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. The Clerk shall serve a Form 4 financial affidavit on appellant. If they have not already done so, within 7 calendar days of the filing date of this order, the parties shall make arrangement to obtain from the court reporter in 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 May 5, 2009; the answering brief is due June 2, 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. See 9th Cir. R. 3-3(b). 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. Order received in this district on 4/08/09. (lr) (Entered: 04/13/2009) |
| 04/09/2009 | <u>53</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: incorrect event selected (misc. document). Correct event  |

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|            |           | is Motion related filings – Request for Leave RE: Miscellaneous Document <u>49</u> . 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. (vh) (Entered: 04/09/2009)  |
| 04/10/2009 | <u>58</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Christina A. Snyder: The hearing of April 20, 2009 on Plaintiffs Renewed Motion for Preliminary Injunction of AB 1183 Rate Reductions for Pharmacies filed March 25, 2009, is hereby vacated. The Court is also in receipt of the Ninth Circuit Mandate filed April 6, 2009. The Court hereby sets a Status Conference re: Case and Appeal on May 4, 2009 at 11:00 a.m., to be heard simultaneous with the continued Scheduling Conference, set on that same date and time. (es) (Entered: 04/13/2009)   |
| 04/10/2009 | <u>61</u> | MINUTES OF IN CHAMBERS ORDER by Judge Christina A. Snyder. On the Courts own motion, the Court continues the Scheduling Conference, only, from May 4, 2009 to July 13, 2009 at 11:00 A.M. The Joint Report and ADR Questionnaire shall be filed on or before June 29, 2009. Note that the Status Conference re: Case and Appeal shall remain as previously calendared on May 4, 2009 at 11:00 A.M. (pp) (Entered: 04/23/2009)   |
| 04/13/2009 | <u>59</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell–Jolly, CCA # 09–55532. 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. Order received in this district on 4/13/09. (lr) (Entered: 04/14/2009)  |
| 04/17/2009 | <u>60</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell–Jolly, CCA # 09–55532. 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. Order received in this district on 4/17/09. (lr) (Entered: 04/21/2009)  |
| 05/04/2009 | <u>62</u> | MINUTE ORDER RE Status Conference re: Case and Appeal held before United States District Judge Christina A. Snyder. Hearing held and counsel are present. The Court confers with counsel regarding the parties pending Notice of Appeals before the 9th Circuit. The Court continues the Status Conference re: Case and Appeal to July 13, 2009 at 11:00 a.m., to be heard simultaneously with the Scheduling Conference on calendar on the same date and time. Court Reporter: Laura Elias. (pp) (Entered: 05/04/2009)   |
| 05/14/2009 | <u>63</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09–55365. This is a preliminary injunction appeal. The unopposed oral motion for a seven–day extension of time to file the reply brief is granted. The reply brief is due May 27, 2009. Order received in this district on 5/14/09. (lr) (Entered: 05/15/2009)                                     |
| 05/26/2009 | <u>64</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09–55365. The order received in this district on 5/26/2009. Plaintiffs–Appellants are directed to file a response to Defendant–Appellee's Petition for Rehearing En Banc. Response shall not exceed 15 pages, shall be filed within 21 days of the date of this order. (lra) (Entered: 05/27/2009) |
| 05/28/2009 | <u>65</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association,  |

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|            |           | Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. We consider the Urgent Motion for Clarification Pursuant to Circuit Rules 27-3(b) and 27-10 filed by Plaintiffs-Appellants California Pharmacists Association, et al. (the Hospital Plaintiffs). The Hospital Plaintiffs filed the instant motion more than fourteen days after the date of our April 6, 2009 Order, in violation of Circuit Rule 27-10(a). Nevertheless, we find that the Hospital Plaintiffs were not, and could not have been, aware of the matter in which the Director would implement our Order until after the fourteen-day period had passed. Under the circumstances, and pursuant to Circuit Rule 27-10 (a), we enlarge the said fourteen-day period, and consider the motion. We resolve the Hospital Plaintiffs' motion and clarify our April 6, 2009 Order as follows: Those sections, or portions of sections, of the California Welfare and Institutions Code added or amended by Assembly Bill 5 that were not purportedly amended or deleted by the text of California Assembly Bill 1183 are not covered by, nor is the implementation thereof stayed by, our April 6, 2009 Order. Order received in this district on 5/28/09. (lr) (Entered: 06/01/2009) |
| 06/15/2009 | <u>66</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. The Reply Brief submitted on June 1, 2009 is filed. Within five(5) working days of the filing of this order, Appellants are ordered to file tne (10) copies of the brief in paper format, with a Grey cover, accompanied by certification (attached to the end of each copy of the biref) that the brief is identical to the version submitted electronically. A sample certificate is available on the Court's website, www.ca9uscourts.gov, at the CM/ECF button. Order received in this district on 6/15/09. (lr) (Entered: 06/17/2009)   |
| 06/29/2009 | <u>67</u> | STIPULATION to Continue Scheduling Conference from 7/13/09 to 10/19/09 Re: Status Conference, Set Hearings,, <u>62</u> filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Proposed Order to Continue Scheduling Conference)(Cribbs, Gregory) (Entered: 06/29/2009)  |
| 07/01/2009 | <u>68</u> | ORDER TO CONTINUE SCHEDULING CONFERENCE by Judge Christina A. Snyder: Upon Stipulation <u>67</u> , the Scheduling Conference is continued to 10/19/2009 11:00 AM before Judge Christina A. Snyder. The status conference, currently scheduled for 7/13/2009 at 11:00 AM, will remain on calendar. (gk) (Entered: 07/01/2009)  |
| 07/13/2009 | <u>69</u> | MINUTES OF Status Conference Re Case and Appeal held before Judge Christina A. Snyder: The Court confers with counsel regarding the parties pending Notice of Appeals before the 9th Circuit. The Court continues the Status Conference re: Case and Appeals to 10/19/2009 11:00 AM before Judge Christina A. Snyder. Court Reporter: Laura Elias. (gk) (Entered: 07/14/2009)   |
| 08/19/2009 | <u>70</u> | ORDER DENYING TRANSFER by the Judicial Panel on Multidistrict Litigation, MDL 2069, that the motion by Plaintiffs in an action in the Northern District of California (3:08-5173), pursuant to 28 U.S.C. Section 1407, for centralization of the six actions listed on Schedule A (attached) is denied. (gk) (Entered: 08/19/2009)  |
| 08/24/2009 | <u>71</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals,, <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365. The panel has unanimously voted to deny the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on it. Fed. R. App. P. 35. The petition for rehearing en banc is DENIED. Order received in this district on 8/24/09. (lr) (Entered: 08/25/2009)  |

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| 09/28/2009 | <u>72</u> | STIPULATION to Continue Scheduling Conference from 10/19/09 to 1/18/10 filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Proposed Order to Continue Scheduling Conference)(Cribbs, Gregory) (Entered: 09/28/2009)  |
| 10/14/2009 | <u>73</u> | ORDER TO CONTINUE SCHEDULING CONFERENCE by Judge Christina A. Snyder(Note: Changes Made by the Court): Upon Stipulation of the parties <u>72</u> , the Scheduling Conference, currently set for October 19, 2009, at 11:00 a.m., is continued to January 11, 2010, at 11:00 a.m. The status conference, currently scheduled to be heard simultaneously with the requested continued Scheduling Conference, on October 19, 2009, at 11:00 a.m., will remain on calendar. (jre) (Entered: 10/15/2009)   |
| 10/19/2009 | <u>74</u> | MINUTES OF Status Conference held before Judge Christina A. Snyder: The matter is continued to January 11, 2010, at 11:00 a.m.Court Reporter: Margaret Babykin. (ps0) (Entered: 10/20/2009)   |
| 01/04/2010 | <u>75</u> | STIPULATION to Continue Scheduling Conference and Status Conference from 1/11/10 to 4/12/10 filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Proposed Order to Continue Scheduling Conference and Status Conference)(Cribbs, Gregory) (Entered: 01/04/2010)   |
| 01/05/2010 | <u>76</u> | ORDER TO CONTINUE SCHEDULING CONFERENCE AND STATUS CONFERENCE by Judge Christina A. Snyder: Upon Stipulation <u>75</u> , the Scheduling Conference and Status Conference are continued to 4/12/2010 11:00 AM before Judge Christina A. Snyder. (gk) (Entered: 01/07/2010)   |
| 03/17/2010 | <u>79</u> | MINUTES (IN CHAMBERS) HEARING ON MANDATE OF THE NINTH CIRCUIT COURT OF APPEAL by Judge Christina A. Snyder: THE COURT REVIEWS the mandate (judgment or order) of the Ninth Circuit Court of Appeals Reversing and Remanding <u>78</u> . The Court will address the mandate in the appeal no. 09-55365 at the current scheduled Status Conference and Scheduling Conference set on 4/12/2010 at 11:00 AM. Court Reporter: Not Present. (gk) (Entered: 04/01/2010)  |
| 03/25/2010 | <u>77</u> | MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> , CCA # 09-55532. The decision of the district court is affirmed. Mandate received in this district on 3/25/2010. (dmap) (Entered: 03/26/2010)  |
| 03/25/2010 | <u>78</u> | MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>40</u> , CCA # 09-55365. The decision of the district court is affirmed. Mandate received in this district on 3/25/2010. (dmap) (Entered: 03/26/2010)  |
| 04/05/2010 | <u>80</u> | JOINT RULE 26f CONFERENCE REPORT filed by Plaintiff California Pharmacists Association. (Gross, Byron) (Entered: 04/05/2010)  |
| 04/12/2010 | <u>82</u> | MINUTES OF Scheduling Conference held before Judge Christina A. Snyder:Hearing held and counsel are present. The Court confers with counsel. The Court spreads the 9th Circuit Mandates for appeal nos. 09-55532 and 09/55365. The Court denies defendant's oral motion to stay the above-referenced action and schedules the following dates: Amended Pleadings due by 5/14/2010. Discovery cut-off 12/31/2010. Final Pretrial Conference set for 5/2/2011 11:00 AM before Judge Christina A. Snyder. Jury Trial set for 6/14/2011 09:30 AM before Judge Christina A. Snyder.Court Reporter: Laura Elias. (yl) (Entered: 04/30/2010)   |
| 04/12/2010 | <u>83</u> | AMENDED MINUTES of Scheduling Conference <u>82</u> held before Judge Christina A. Snyder: The Court spreads the 9th Circuit Mandates for appeal nos. 09-55532 and 09-55365. The Court denies defendant's oral motion to stay the action and schedules the following dates: Request for leave to file amended pleadings or to add parties 5/14/2010; Discovery Cut-off 12/31/2010; Last Day to File Motions 2/28/2011; Pretrial Conference/Hearing on Motions in Limine 11:00 AM 5/2/2011; and Jury Trial 9:30 AM 6/14/2011. Court Reporter Laura Elias. (gk) (Entered: 05/04/2010)  |
| 04/16/2010 | <u>81</u> | MINUTES (IN CHAMBERS): Order Vacating this Court's 3/9/2009 Order and Granting Plaintiffs' Motion for Preliminary Injunction Pursuant to the Ninth Circuit Court of Appeals Mandate Issued 3/25/2010 (09-55365) by Judge Christina A. Snyder: Pursuant to the mandate from the Ninth Circuit, this Court hereby vacates the 3/9/2009 order denying plaintiffs' motion for preliminary injunction with regard to AB 1183's reimbursement rate reduction to hospitals <u>36</u> . Accordingly, the Court hereby grants plaintiffs' Motion for Preliminary Injunction <u>46</u> and orders respondent Director, his agents, servants, employees, attorneys, successors, and all those working in concert |

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|            |           | with him to refrain from enforcing Cal. Welf. & Inst. Code Section 14105.191 and 14166.245, as modified by AB 1183, beginning on April 16, 2010, by refraining from reducing by five percent payments to hospitals for services provided under the Medi-Cal fee-for-service program, which include non-contract inpatient hospital services, outpatient services, Distinct Part Nursing Facilities, and subacute services. Court Reporter: Not Present. (gk) (Entered: 04/16/2010)   |
| 05/27/2010 | <u>84</u> | NOTICE OF MOTION AND Joint MOTION to AMEND Order on Motion for Preliminary Injunction,,,, <u>81</u> filed by Plaintiff California Pharmacists Association. Motion set for hearing on 6/28/2010 at 10:00 AM before Judge Christina A. Snyder. (Keville, Jordan) (Entered: 05/27/2010)   |
| 06/04/2010 | <u>85</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice of Motion and Joint Motion for Modification of Court's 4/16/2010 Preliminary Injunction Order filed 5/27/2010 <u>84</u> . The following error(s) was found: Proposed Document was not submitted as a separate attachment. The proposed order is within the motion papers, pages 8 and 9. It lacks a separate title page, Local Rule 11-3.8, and two lines of text on the page that has the line provided for the signature of the judge, Local Rule 58-10. 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: 06/07/2010)   |
| 06/16/2010 | <u>86</u> | ORDER by Judge Christina A. Snyder GRANTING Joint Motion for Modification of Court's April 16, 2010 Preliminary Injunction Order <u>84</u> . The Court's April 16 order will be amended to read as follows: Pursuant to the mandate from the Ninth Circuit, this Court hereby vacates the March 9, 2009 order denying plaintiffs' motion for a preliminary injunction with regard to AB 1183's reimbursement rate reduction to hospitals. According, the Court hereby grants plaintiffs' motion for preliminary injunction and orders respondent Director, his agents, servants, employees, attorneys, successors, and all those working in concert with him to refrain from enforcing Cal. Welf. & Inst. Code 14105.191 and 14166.245 with respect to services provided under the fee-for-service Medi-Cal program, by refraining. (See attached Order for further information). (jp) (Entered: 06/17/2010) |
| 06/16/2010 | <u>87</u> | MINUTES IN CHAMBERS by Judge Christina A. Snyder: Plaintiffs Joint MOTION for Modification of Court's April 16, 2010 Preliminary Injunction Order <u>84</u> and noticed for hearing on 6/28/2010 at 10:00 AM. Pursuant to FRCP 78 and Local Rule 7-15, the Court hereby dispenses with oral argument on the above-referenced motion and decides the motion on the basis of the papers submitted. Therefore, the parties are not to appear before this Court on 6/28/2010 at 10:00 AM. The Court hereby GRANTS Plaintiffs' Motion and Joint Motion for Modification of Courts April 16, 2010 Preliminary Injunction Order forthwith. The Court will issue a separate order. (jp) (Entered: 06/17/2010)  |
| 02/02/2011 | <u>88</u> | STIPULATION to Stay Case pending decision by the Supreme Court, STIPULATION to Vacate Existing Dates and deadlines filed by Defendant David Maxwell-Jolly. (Attachments: # <u>1</u> Proposed Order to Vacate Existing Dates and for a Stay of the Proceedings)(Kim, Jennifer) (Entered: 02/02/2011)  |
| 02/04/2011 | <u>89</u> | ORDER TO VACATE EXISTING DATES AND FOR A STAY OF THE PROCEEDINGS by Judge Christina A. Snyder: Upon Stipulation <u>88</u> , the dates and deadlines previously set by the Court, by order dated 4/12/2010, are hereby vacated and the action is stayed pending a decision by the Supreme Court in the case of Maxwell-Jolly v. California Pharmacists Ass'n, U.S.S.C. Case No. 09-1158 and/or matter consolidated therewith. (gk) (Entered: 02/07/2011)  |
| 06/01/2011 | <u>90</u> | MINUTES (IN CHAMBERS) – ORDER REMOVING ACTION FROM THE ACTIVE LIST OF CASES, PURSUANT TO A STAY IN THE ACTION by Judge Christina A. Snyder: THE COURT, having approved a stay in this matter on 2/4/2011; IT IS HEREBY ORDERED that this action is hereby removed from this Court's 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 90 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   |

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|            |           | action. (Made JS-6. Case Terminated.) Court Reporter: Not Present. (gk) (Entered: 06/02/2011)   |
| 04/26/2012 | <u>91</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell-Jolly, CCA # 09-55532. 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. Order received in this district on 4/26/12. (car) (Entered: 04/30/2012)  |
| 05/22/2012 | <u>92</u> | ORDER from 9th CCA filed, CCA # 08-56422, 08-57016, 09-55532, 09-55692. 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. Order received in this district on 5/22/12 (car) (Entered: 05/24/2012)  |
| 10/25/2013 | <u>93</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell-Jolly, CCA # 09-55532. The Attorney General's Motion to Remove Certain Counsel from ServiceList is GRANTED. Order received in this district on 10/25/13. (mat) (Entered: 10/30/2013)   |
| 11/05/2013 | <u>94</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) |
| 05/28/2014 | <u>95</u> | ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by David Maxwell-Jolly, Notice of Appeal to 9th Circuit Court of Appeals <u>40</u> filed by Sharp Chula Vista Medical Center, Charles Gallagher, South Sacramento Pharmacy, Sharp Memorial Hospital, Fey Garcia, California Pharmacists Association, Grossmont Hospital Corporation, Sharp Coronado Hospital and Healthcare Center, California Dental Association, California Association For Adult Day Services, California Medical Association, Marin Apothecary, Inc., Farmacia Remedios, Inc., California Hospital Association, Acacia Adult Day Services, CCA # 09-55365 and 09-55532. Pursuant to the parties' joint request for dismissal, these appeals are voluntarily dismissed. Fed. R. App. P. 42(b). The parties shall bear their own costs and fees on appeal. A copy of this order shall serve as and for the mandate of this court. Order received in this district on 5/28/14. (mat) (Entered: 05/30/2014)                                       |
| 05/30/2014 | 96        | Notice of Electronic Filing re USCA Order <u>95</u> e-mailed to Attorney Byron J Gross at gross@healthlaw.org bounced due to invaild email. Primary e-mail address corrected. Notice of Electronic Filing resent addressed to byronjgross@gmail.com. Pursuant to Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ir) TEXT ONLY ENTRY (Entered: 05/30/2014)   |
| 08/19/2014 | <u>97</u> | NOTICE OF MOTION AND Joint MOTION for Settlement Approval of Settlement Agreement filed by Plaintiffs Acacia Adult Day Services, California Association For Adult Day Services, California Dental Association, California Hospital Association, California Medical Association, California Pharmacists Association, Charles Gallagher, Fey Garcia, Grossmont Hospital Corporation, Marin Apothecary, Inc., Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center, Sharp Memorial Hospital, South Sacramento Pharmacy. Motion set for hearing on 9/22/2014 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Declaration of Craig J. Cannizzo in   |

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|            |            | Support of Joint Motion for Approval of Settlement Agreement, # <u>3</u> Proposed Order Granting Joint Motion for Approval of Settlement Agreement)(Cannizzo, Craig) (Entered: 08/19/2014)  |
| 08/28/2014 | <u>98</u>  | Notice of Appearance or Withdrawal of Counsel: for attorney Susan Marie Carson counsel for Defendant David Maxwell-Jolly. Adding Susan M. Carson as attorney as counsel of record for Toby Douglas for the reason indicated in the G-123 Notice. Filed by Defendant Toby Douglas, Director of the Department of Health Care Services, State of California. (Attorney Susan Marie Carson added to party David Maxwell-Jolly(pty:dft))(Carson, Susan) (Entered: 08/28/2014)   |
| 09/22/2014 | <u>99</u>  | MINUTES OF MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT <u>97</u> Hearing held before Judge Christina A. Snyder. The Court confers with counsel. The Court grants the above-referenced motion. The Court will issue the Proposed Order Granting Joint Motion for Approval of Settlement Agreement forthwith. Court Reporter: Laura Elias. (lom) (Entered: 09/25/2014)  |
| 09/22/2014 | <u>100</u> | ORDER GRANTING JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT <u>97</u> by Judge Christina A. Snyder. (lom) (Entered: 09/25/2014)  |
| 03/31/2015 | <u>101</u> | NOTICE filed by Plaintiffs Acacia Adult Day Services, California Association For Adult Day Services, California Dental Association, California Hospital Association, California Medical Association, California Pharmacists Association, Charles Gallagher, Fey Garcia, Grossmont Hospital Corporation, Marin Apothecary, Inc., Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center, Sharp Memorial Hospital, South Sacramento Pharmacy. <i>re Settlement Effective Date</i> (Cannizzo, Craig) (Entered: 03/31/2015)  |
| 04/21/2015 | <u>102</u> | STIPULATION for Hearing re Motions for Attorneys Fees filed by Plaintiffs Acacia Adult Day Services, California Association For Adult Day Services, California Dental Association, California Hospital Association, California Medical Association, California Pharmacists Association, Charles Gallagher, Fey Garcia, Grossmont Hospital Corporation, Marin Apothecary, Inc., Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center, Sharp Memorial Hospital, South Sacramento Pharmacy. (Attachments: # <u>1</u> Proposed Order)(Cannizzo, Craig) (Entered: 04/21/2015)   |
| 04/22/2015 | <u>103</u> | NOTICE OF MOTION AND Joint MOTION to Dismiss Case filed by Plaintiffs Acacia Adult Day Services, California Association For Adult Day Services, California Dental Association, California Hospital Association, California Medical Association, California Pharmacists Association, Charles Gallagher, Fey Garcia, Grossmont Hospital Corporation, Marin Apothecary, Inc., Sharp Chula Vista Medical Center, Sharp Coronado Hospital and Healthcare Center, Sharp Memorial Hospital, South Sacramento Pharmacy. (Attachments: # <u>1</u> Memorandum of Points and Authorities iso Application for Voluntary Dismissal, # <u>2</u> Declaration of Craig J. Cannizzo iso Application for Voluntary Dismissal, # <u>3</u> Proposed Order Dismissing Action)(Cannizzo, Craig) (Entered: 04/22/2015)       |
| 04/23/2015 | <u>104</u> | ORDER ON PLAINTIFFS' EX PARTE APPLICATION FOR DISMISSAL OF ACTION by Judge Christina A. Snyder: Upon Plaintiff's Ex Parte Application <u>103</u> , IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 41(a)(2), Case No. CV 09-722 is hereby dismissed with prejudice, each party to bear its own costs in accordance with Part III.A.3 of the Settlement Agreement of the parties on file herein, with the Court retaining jurisdiction, pursuant to Parts III.A.3 and III.D.17 of the Settlement Agreement, to entertain any application for attorneys' fees as described in Part III.C. of the Settlement Agreement, and for purposes of enforcement of the Settlement Agreement by any parties in the within action, up to and including 1/1/2016. (gk) (Entered: 04/24/2015) |