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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

HORISONS UNLIMITED, a California
nonprofit corporation, and HORISONS
UNLIMITED HEALTH CARE, a California
corporation,

Plaintiffs,

v.

SANTA CRUZ-MONTEREY-MERCED
MANAGED MEDICAL CARE
COMMISSION dba CENTRAL
CALIFORNIA ALLIANCE FOR HEALTH;
COUNTY OF MERCED; and THE BOARD
OF SUPERVISORS OF THE COUNTY OF
MERCED AND THE INDIVIDUAL
MEMBERS THEREOF,

Defendant.

Case No. 1:14-cv-00123-LJO-MJS

**ORDER RE MEDIATION AND
CONTINUING DATES**

RECITALS

On January 28, 2014, Plaintiffs HORISONS UNLIMITED and HORISONS UNLIMITED HEALTH CARE (“Plaintiffs”) filed their Complaint in the above-captioned action against Defendants SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION dba CENTRAL CALIFORNIA ALLIANCE FOR HEALTH (the “Alliance”); the COUNTY OF MERCED (the “County”); and THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED AND THE INDIVIDUAL MEMBERS THEREOF¹.

On March 18, 2014, the County filed a motion to dismiss Plaintiffs’ Complaint. Thereafter, on March 20, 2014, the Alliance also filed a motion to dismiss. After considering the parties’ moving papers and ordering supplemental briefing, the Court largely granted both motions to dismiss on June 30, 2014.

¹ Plaintiffs subsequently dismissed the Merced County Board of Supervisors and its individual members.

1 In its June 30, 2014 order, the Court granted Plaintiffs 20 days to amend their complaint and
2 ordered Defendants to file any responsive pleadings within 20 days of the filing of any amended
3 complaint. The Court also ordered that Golden Valley Health Centers be joined as a party to this
4 action.

5 After reviewing the Court's order, Plaintiffs and the Alliance have agreed to attempt to resolve
6 this pending litigation in its entirety through mediation before Judge Oliver Wanger. To date, the
7 County has declined to participate as has Golden Valley Health Centers, but Plaintiffs and the
8 Alliance can potentially resolve all of the significant issues in this matter amongst themselves, or
9 potentially substantially reduce claims, issues and parties. In the interest of efficiency and to ensure
10 that the parties' focus all of their collective energy on resolving this matter via mediation, the parties
11 have agreed to continue Defendants' deadline to respond to Plaintiffs' amended complaint to 20 days
12 beyond the date of the scheduled mediation should that mediation be unsuccessful. Plaintiffs and the
13 Alliance agree that they will schedule the agreed upon mediation within 30 days of the entry of this
14 Stipulation and Order with the precise date subject to the parties' and Judge Wanger's availability.

15 **ORDER**

16 Given the above, the Court ORDERS as follows:

- 17
- 18 1. Plaintiffs and the Alliance shall schedule a mediation with Judge Oliver Wanger to be
19 completed within 30 days of the entry of this Stipulation and Order subject to the
20 parties' and Judge Wanger's schedules. **The parties shall forthwith proceed to**
21 **schedule the mediation, and shall notify the Court of the date of mediation as**
22 **soon as it is set.**

 - 23
 - 24 2. **Should either party conclude the mediation is not going to be successful, that**
25 **party shall notify the other and the Court of such conclusion in writing,** and the
26 Alliance and the County shall have 20 days from the date of such writing or from the
27 date of completion of the mediation to file any responsive pleading to Plaintiffs'
28 amended complaint, if any.

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3. The Joint Scheduling Conference, presently scheduled for August 28, 2014, at 10:30 a.m. shall also be continued for at least 30 days to a new date to be set by the Court.

IT IS SO ORDERED.

Dated: July 25, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE