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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
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7 UNITED STATES and the STATE OF
8 CALIFORNIA, *ex rel.* THOMAS REILLY,
9 GARRETT LEE, KEVIN SCHMIDT, AND
10 TERRY HILLIARD,

11 Plaintiffs,

12 v.

13 ADVENTIST HEALTH, *et al.*,

14 Defendants.
15

CASE NO. 17-CV-00613-AWI-SKO

**ORDER TERMINATING CERTAIN
DEFENDANTS AND ORDER TO SHOW
CAUSE REGARDING DISMISSAL OF
CLAIMS AGAINST OTHER
DEFENDANTS**

16 There are ten defendants named in the First Amended Complaint (“1AC”) in this action:
17 Adventist Health, San Joaquin Community Hospital (“SJCH”), Premier Physician Alliance, Inc.
18 (“PPA”), Raymond Zurcher, Donald Cornforth, Kurt Hoekendorf, Paul Griffin, William Brent
19 Soper, Scott Reiner and Robert Beehler (“Defendants”). See Doc. No. 8, Part III.B. Griffin filed
20 an Answer to the 1AC on September 19, 2019, Doc. No. 34, and Adventist Health, SJCH,
21 Hoekendorf, Soper, Reiner and Beehler (together, the “Moving Defendants”) brought a motion to
22 dismiss the 1AC on October 8, 2019. Doc. No 35. Three other Defendants—PPA, Zurcher and
23 Cornforth—have not responded to the 1AC in any fashion.

24 On May 18, 2020, the Court granted the Moving Defendants’ motion to dismiss. See Doc.
25 No. 48. The Court’s May 18 Order dismissed all of the claims in the 1AC as to the Moving
26 Defendants with leave to amend two counts. See id. The Court granted Relators twenty-one days
27 to file an amended complaint and warned that “[i]f Relators fail to file a Second Amended
28 Complaint within 21 days from the date of electronic service of th[e] Order, leave to amend will

1 analysis set forth in the Court's May 18, 2020 Order (Doc. No. 48);

- 2 4. Griffin shall have seven days from electronic service of such filing to respond;
- 3 5. Failure by Relators to timely show cause in writing why the claims against Griffin
- 4 should not be dismissed will result in dismissal with prejudice of claims against Griffin
- 5 and termination of Griffin as a defendant without further notice to the parties;
- 6 6. Relators shall SHOW CAUSE in writing within ten days of electronic service of this
- 7 Order as to why claims against Premier Physician Alliance, Inc. ("PPA"), Raymond
- 8 Zurcher and Donald Cornforth should not be dismissed for lack of timely service under
- 9 Rule 4(m) of the Federal Rules of Civil Procedure and, to the extent such a showing is
- 10 made, why dismissal of the claims against PPA, Zurcher and Cornforth is not
- 11 warranted for the reasons set forth in the Court's May 18, 2020 Order;
- 12 7. PPA, Zurcher and Cornforth shall have seven days from electronic service of such
- 13 filing to respond;
- 14 8. Failure by Relators to timely show cause in writing why the claims against PPA,
- 15 Zurcher and/or Cornforth should not be dismissed will result in dismissal with
- 16 prejudice of claims against PPA, Zurcher and/or Cornforth and termination of PPA,
- 17 Zurcher and/or Cornforth as defendants without further notice to the parties;
- 18 9. In the event Relators fail to timely show cause why any of the remaining claims in this
- 19 action should not be dismissed, all remaining claims will be dismissed with prejudice
- 20 and this case will be closed without further notice to the parties.

21
22 IT IS SO ORDERED.

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24 Dated: June 30, 2020



25 SENIOR DISTRICT JUDGE