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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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DONGWOO JOHN CHANG, M.D.,  
FRCS (C),

NO. CIV. S-08-657 FCD KJM

Plaintiff,

v.

MEMORANDUM AND ORDER

CLAIR POMEROY, M.D., STUART  
H. COHEN, M.D., ALLAN D.  
SIEFKIN, M.D. and DR. PAUL  
MUIZELAAR,

Defendants.

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This matter is before the court on defendants Dr. Allan D. Siefkin and Dr. Jan Paul Muizelaar's ("defendants") motion to lift the stay of this action, entered April 14, 2008 pursuant to the parties' stipulation (Docket #32).<sup>1</sup> This action arises from certain corrective action taken against plaintiff Dongwood John Chang, M.D. ("plaintiff") by the Medical Staff Executive Committee of the University of California Davis Health System

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<sup>1</sup> Because oral argument will not be of material assistance, the court orders this matter submitted on the briefs. E.D. Cal. L.R. 230(g).

1 (the "Medical Staff Executive Committee") in March 2008. Said  
2 action included a summary suspension and a recommendation that  
3 plaintiff's medical staff privileges and membership be  
4 terminated. On March 24, 2008, plaintiff submitted a request to  
5 the Medical Staff Executive Committee for a hearing on the  
6 recommended action, pursuant to Article VI of the Medical Staff  
7 Bylaws (the "Bylaws").

8 Plaintiff filed the instant action, seeking injunctive  
9 relief, on March 26, 2008. Following denial of plaintiff's  
10 application for a temporary restraining order, on April 14, 2008,  
11 the parties filed a stipulation and order, requesting the court  
12 stay the action in its entirety pending plaintiff's pursuit of  
13 his administrative remedies through the university; specifically,  
14 "until completion of the hearing and, if applicable, appellate  
15 process set forth in the [Bylaws]." (Docket #32 at 2.)

16 However, on July 21, 2008, plaintiff withdrew his request  
17 for a hearing before the Executive Committee and resigned from  
18 medical staff appointment. In accordance with the Bylaws,  
19 plaintiff's medical staff membership and privileges at UC Davis  
20 were terminated effective July 25, 2008. (Navarra Decl., filed  
21 Feb. 1, 2010.)

22 Subsequently, defendants requested that plaintiff and the  
23 other named defendant stipulate to lifting the stay of this  
24 action. Defendant Cohen agreed to do so but plaintiff would not.  
25 (Id.) Defendants now move the court via the instant motion to  
26 lift the stay, arguing that the reason for imposing the stay,  
27 plaintiff's administrative proceedings before the Medical Staff  
28 Executive Committee, no longer exists.

1           Neither plaintiff nor Cohen filed a response to the motion.  
2 The court construes their failure to respond as a non-opposition  
3 to the motion. E.D. Cal. L.R. 230(c). Because the basis for  
4 entering the stay is no longer in effect, the court GRANTS  
5 defendants' motion and lifts the stay of this matter.

6           The parties shall file a joint pretrial (scheduling)  
7 conference statement on or before May 14, 2010. After review of  
8 the parties' statement, if necessary, the court will set a date  
9 for a scheduling conference. Otherwise, the court will issue a  
10 scheduling order.

11           IT IS SO ORDERED.

12           DATED: April 13, 2010

A handwritten signature in black ink, appearing to read "Frank C. Damrell, Jr.", written in a cursive style.

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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE