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 10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 BCFS-HEALTH AND HUMAN SERVICES, a
 non-profit organization,
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 Plaintiff,
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 v.
 16 JOHN A. WAGNER in his Official Capacity as
 Director of the California Department of Social
 17 Services; MICHELE M. WONG in her Official
 Capacity as the Regional Manager for the
 18 Northern California Residential Program for the
 California Department of Social Services,
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 Defendants.
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CASE NO.: 2:10-cv-02989-MCE-DAD
**STIPULATION AND ORDER
 REGARDING PLAINTIFF'S MOTION
 FOR PRELIMINARY INJUNCTION**
 Judge: Hon. Morrison C. England, Jr.
 Place: Courtroom 7
 501 I Street, 14th Floor
 Sacramento, CA 95814

1 **STIPULATION AND ORDER RE: HEARING ON PRELIMINARY INJUNCTION**

2 Plaintiff BCFS-Health and Human Services and Defendants John A. Wagner and
3 Michelle M. Wong (collectively, the “Parties”) hereby state and stipulate as follows:

4 WHEREAS on November 9, 2010, the Court issued a Temporary Restraining Order as
5 requested by Plaintiff and issued an order extending the provisional license to operate a group
6 home through November 19, 2010;

7 WHEREAS on November 9, 2010, the Court issued an Order scheduling the hearing on
8 Plaintiff’s Motion for a Preliminary Injunction for November 19, 2010 and setting a briefing
9 schedule;

10 WHEREAS the Parties have negotiated in good faith to work toward a resolution of the
11 pending dispute and agree that an extension of time on the Motion for a Preliminary Injunction
12 is warranted and is in the interest of justice;

13 IN CONSIDERATION OF THE ABOVE, THE PARTIES, THROUGH THEIR
14 RESPECTIVE ATTORNEYS OF RECORD, HEREBY STIPULATE that:

15 1. Effective immediately, Defendants, on behalf of the California Department of
16 Social Services (“DSS”), hereby grant Plaintiff BCFS with a provisional license to operate its
17 facility in Fairfield until May 18, 2011;

18 2. Defendants will conduct a 90-day assessment of Plaintiff BCFS’s facility in
19 Fairfield and will issue a decision on BCFS’s application for a permanent license on or before
20 February 18, 2011;

21 3. If Defendants deny BCFS’s application for a permanent license, Defendants
22 agree that BCFS’s provisional license will remain in place until May 18, 2011, but shall not be
23 construed to authorize the placement of any new minors; and

24 4. The hearing on Plaintiff’s Motion for a Preliminary Injunction will be held, as a
25 regularly noticed motion, if necessary, after February 18, 2011.

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AGREED TO BY:

By: /s/ Melissa Jones
Melissa A. Jones
Greenberg Traurig, LLP
Counsel for Plaintiff

By: /s/ Julie Weng-Gutierrez
Julie Weng-Gutierrez
Supervising Deputy Attorney General
Counsel for Defendants

ORDER

Good cause appearing, and in view of the Parties' stipulation, the Court issues an Order as follows:

Plaintiff's currently pending Motion for a Preliminary Injunction is denied, without prejudice to renoticing said Motion, if necessary, after February 18, 2011;

The hearing set for on November 19, 2010, is consequently taken off calendar. No further briefing is required at this time;

Given the Parties' stipulation as set forth above, the temporary restraining order now in effect is dissolved; and

All obligations of the Parties pursuant to the Federal Rules of Civil Procedure, including obligations relating to discovery, will be stayed pending resolution of this dispute by the Parties or the hearing on the Motion for Preliminary Injunction, whichever comes first.

IT IS SO ORDERED.

Dated: November 16, 2010


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE