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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ARC OF CALIFORNIA; UNITED CEREBRAL PALSY ASSOCIATION OF SAN DIEGO,

Plaintiffs,

v.

TOBY DOUGLAS, in his official capacity as Director of the California Department of Health Care Services; CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICE; TERRI DELGADILLO, in her official capacity as Director of the California Department of Developmental Services; CALIFORNIA DEPARTMENT OF DEVELOPMENTAL SERVICES; and DOES 1-100, inclusive,

Defendants.

Case No. 2:11-cv-02545-MCE-CKD

ORDER LIFTING STAY

Courtroom: 7
Judge: Hon. Morrison C. England, Jr.
Action Filed: September 28, 2011
Trial Date:


On August 29, 2016, this Court dismissed Plaintiffs’ Medicaid Act claim because the Supreme Court held in Armstrong v. Exceptional Child Ctr., Inc., 135 S. Ct. 1378, 1385 (2015), that the Supremacy Clause does not confer a private right of action to compel compliance with 42 U.S.C. § 1396a(a)(30)(A) [“30(A)”] of the Medicaid Act. ECF No. 208. In its August 29, 2016

1 order, this Court also granted Defendants leave to file a motion for summary judgment on the
2 remaining non-Medicaid Act claims. Id. On September 28, 2016, Plaintiffs filed a notice of
3 appeal of the August 29, 2016 order. ECF No. 213. On October 12, 2016, Defendants' filed their
4 motion for summary judgment to the non-Medicaid Act claims. ECF No. 216. On January 5,
5 2017, this Court stayed this action pending the Ninth Circuit's adjudication of Plaintiffs' appeal,
6 and denied Defendants' motion for summary judgment without prejudice to it being refiled once
7 the stay is lifted. ECF No. 223. On May 16, 2017, the Ninth Circuit adjudicated Plaintiffs'
8 appeal and granted summary affirmance of the August 29, 2016 order. ECF No. 225. On June 7,
9 2017, the Ninth Circuit issued its mandate. ECF No. 226.

10 Defendants Department of Developmental Services and Department of Health Care
11 Services have now move ex parte to lift the stay in this case. As the Ninth Circuit has affirmed
12 this Court's order and issued a mandate, good cause exists to grant Defendants' request. The stay
13 in this case is lifted and Defendants may refile their motion for summary judgment. Any such
14 motion for summary judgment shall be filed within **20 days** of electronic filing of this order.

15 IT IS SO ORDERED.

16 Dated: June 16, 2017

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19 MORRISON C. ENGLAND, JR.
20 UNITED STATES DISTRICT JUDGE
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