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

**FOOTHILL CHURCH, CALVARY
CHAPEL OF CHINO HILLS, and
SHEPHERD OF THE HILLS CHURCH,**

Plaintiffs,

v.

**MICHELLE ROUILLARD, in her official
capacity as Director of the California
Department of Managed Health Care,**

Defendant.

2:15-CV-02165-KJM-EFB

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER**

Dept: Courtroom 3, 15th Fl.
Judge: Hon. Kimberly J. Mueller

1 Plaintiffs Foothill Church, Calvary Chapel Chino Hills, and Shepherd of the Hills Church,
2 and Defendant Michelle Rouillard, in her official capacity as Director of the California
3 Department of Managed Health Care (Director), by and through their attorneys of record,
4 stipulate and apply to modify the Status (Pretrial Scheduling) Order consistent with the provision
5 of the Scheduling Order which intended that discovery proceed after a ruling on the Director's
6 Motion to Dismiss Plaintiffs' First Amended Complaint, which ruling has not yet been issued by
7 the Court.

8 In support of this application, the parties state that WHEREAS:

9 1. Plaintiffs filed their Complaint on October 16, 2015, and the Court the Court granted
10 the Director's Motion to Dismiss the Complaint on July 11, 2016, with leave to amend two of
11 Plaintiffs' claims (ECF No. 39);

12 2. Plaintiffs filed a First Amended Complaint on August 1, 2016 (ECF No. 42), and the
13 Director moved to dismiss the First Amended Complaint August 31, 2016 (ECF No. 47);

14 3. On September 1, 2016, the Court held an initial scheduling conference, and issued a
15 Status (Pretrial Scheduling) Order on September 14, 2016 (ECF No. 51) (Scheduling Order);

16 4. The hearing on the Director's Motion to Dismiss Plaintiffs' First Amended Complaint
17 (Motion to Dismiss) was initially set for October 7, 2016, and was continued on the Court's own
18 motion to November 4, 2016 (ECF No. 57), and then to November 18, 2016 by the Court
19 pursuant to the parties' stipulation in light of a scheduling conflict for Plaintiffs' counsel (ECF
20 No. 59);

21 5. On November 15, 2016, the Court vacated the November 18, 2016 hearing on the
22 Director's Motion to Dismiss and deemed the motion submitted without argument (ECF No. 61);

23 6. In the Scheduling Order, the Court stayed the requirement to make initial disclosures
24 until December 7, 2016 "to allow for the court's hearing defendant's motion to dismiss and
25 issuing an order thereon." (ECF No. 51, at 2);

26 7. The Court has not issued an order on the Director's Motion to Dismiss;

27 8. The parties have made initial disclosures and served written discovery, but believe
28 that, consistent with intent of the Scheduling Order, it would serve the interests of economy and

1 efficiency to modify the Scheduling Order so that service of responses to written discovery, and
2 any deposition and expert discovery, need not proceed until after the Court's anticipated ruling on
3 the Director's Motion to Dismiss;

4 9. Consistent with the above, the parties agree that if the case schedule is modified as
5 requested below, the deadlines for responses to pending written discovery may be extended until
6 90 days before the deadline for the close of discovery, and that they will not pursue further
7 discovery until after the Court's ruling on the Director's Motion to Dismiss or 120 days before
8 the close of discovery, whichever is earlier; and

9 10. The parties also require additional time, despite exercising due diligence to pursue
10 discovery, to ensure that discovery may be completed as defined in the Scheduling Order;

11 WHEREFORE, the parties STIPULATE that:

12 1. In light of the above, good cause exists to modify the case schedule to extend the time
13 for discovery and to adjust other case deadlines accordingly;

14 2. The case schedule shall, upon the Court's order, be modified to provide for the close
15 of discovery by August 31, 2017;

16 3. The deadlines in the Scheduling Order shall be adjusted accordingly in relation to the
17 dates and time periods following the close of discovery set out in the current Scheduling Order, as
18 follows:

19 August 31, 2017: Close of discovery

20 September 15, 2017: Expert Disclosures Due

21 October 6, 2017: Supplemental Expert Disclosures Due

22 November 3, 2017: Close of Expert Discovery

23 December 22, 2017: Last Date for Hearing on Dispositive Motions

24 April 20, 2018: Parties Submit Joint Pretrial Conference Statement

25 May 11, 2018: Final Pretrial Conference

26 June 8, 2018: Trial Briefs Due

27 June 25, 2018: Trial

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Respectfully submitted,

Dated: February 17, 2017

XAVIER BECERRA
Attorney General of California
SUSAN M. CARSON
Supervising Deputy Attorney General

/s/ Joshua Sondheimer
JOSHUA N. SONDHEIMER
Deputy Attorney General
*Attorneys for Defendant Michelle Rouillard,
in her official capacity as Director of the
California Department of Managed Health
Care*

Dated: February 17, 2017

ALLIANCE DEFENDING FREEDOM

/s/ Jeremiah Galus (as authorized on 2/17/17)
JEREMIAH GALUS (admitted pro hac vice)
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of the Hills Church*

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ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby modifies the dates and deadlines set out in the Status (Pretrial Scheduling) Order (ECF No. 51) as follows:

- August 31, 2017: Close of discovery
 - September 15, 2017: Expert Disclosures Due
 - October 6, 2017: Supplemental Expert Disclosures Due
 - November 3, 2017: Close of Expert Discovery
 - January 12, 2018: Last Date for Hearing on Dispositive Motions
 - April 27, 2018: Parties Submit Joint Pretrial Conference Statement
 - May 18, 2018: Final Pretrial Conference
 - June 11, 2018: Trial Briefs Due
 - June 25, 2018: Trial at 9:00 a.m. in Courtroom No. 3
- All other provisions of the Pretrial Scheduling Order remain in effect.

IT IS SO ORDERED

Dated: March 1, 2017


UNITED STATES DISTRICT JUDGE