

1 Erik Stanley (Arizona Bar No. 030961)*
 Kevin Theriot (Arizona Bar No. 030446)*
 2 Jeremiah Galus (Arizona Bar No. 030469)*
 Alliance Defending Freedom
 3 15100 N. 90th Street
 Scottsdale, AZ 85260
 4 (480) 444-0020
 estanley@ADFlegal.org
 5 ktheriot@ADFlegal.org
 jgalus@ADFlegal.org

6 Casey Mattox (Virginia Bar No. 47148)*
 7 ALLIANCE DEFENDING FREEDOM
 440 First Street, NW, Suite 600
 8 Washington, DC 20001
 (202) 393-8690
 9 cmattox@ADFlegal.org

10 Alexander M. Medina (California Bar No. 222015)
 MEDINA McKELVEY LLP
 11 983 Reserve Drive
 Roseville, CA 95678
 12 (916) 960-2211
 alex@medinamckelvey.com
 13 *Attorneys for Plaintiffs*

14 **Admitted pro hac vice*

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

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

22 Plaintiffs,

23 v.

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

26 Defendant.
 27

2:15-CV-02165-KJM-EFB

**STIPULATION AND ORDER TO
 MODIFY SCHEDULING ORDER**

28 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 that intended discovery to proceed after a ruling on the Director's Motion
6 to Dismiss Plaintiffs' First Amended Complaint, which has not yet been issued by the Court.

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

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

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

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

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

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

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

25 7. The parties have made initial disclosures and served written discovery, but believe
26 that, consistent with intent of the Scheduling Order, it would serve the interests of economy and
27 efficiency to modify the Scheduling Order so that service of responses to written discovery, and
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1 any deposition and expert discovery, need not proceed until after the Court's anticipated ruling on
2 the Director's Motion to Dismiss;

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

8 9. On February 17, 2017, the parties submitted a Stipulation and [Proposed] Order to
9 Modify the Scheduling Order for the reasons set forth above (ECF No. 62);

10 10. On March 1, 2017, the Court entered an Order modifying the dates and deadlines set
11 forth in the Scheduling Order (ECF No. 63);

12 11. Having received no ruling on the Director's Motion to Dismiss, the parties submitted
13 another Stipulation and [Proposed] Order to Modify the Scheduling Order on May 10, 2017,
14 asking the Court to stay the relevant dates and deadlines until a ruling on the Director's Motion to
15 Dismiss or, alternatively, to adjust the dates and deadlines so that service of responses to written
16 discovery, and any deposition or expert discovery, would not proceed until after the Court's
17 anticipated ruling (ECF No. 64);

18 12. On May 19, 2017, the Court issued a Second Amendment to the Scheduling Order,
19 adjusting the dates and deadlines set forth in the Scheduling Order (ECF No. 65);

20 13. Pursuant to agreement of the parties, the Second Amendment to the Scheduling Order
21 extended the deadline for responding to pending written discovery until September 1, 2017 (*see*
22 ECF No. 64, at ¶ 8); and

23 14. The Court has not yet issued an order on the Director's Motion to Dismiss.

24 WHEREFORE, the parties STIPULATE that:

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

27 2. The case schedule shall, upon the Court's order, be modified as follows:
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1 a. To avoid need for any further requests to modify the case schedule pending the
2 Court's ruling on the motion to dismiss, the dates and deadlines set forth in the Second
3 Amendment to the Scheduling Order (ECF No. 65) shall be stayed until issuance of the order on
4 the Director's Motion to Dismiss. If the Court denies the Director's motion in whole or part, the
5 close of discovery shall be 120 days from the date of the Court's order denying the Director's
6 motion to dismiss; the parties shall meet and confer regarding the case schedule and, within 14
7 court days of the Court's order, shall submit a proposed case schedule to the Court for approval.

8 b. In the alternative, the deadlines in the Scheduling Order shall be adjusted in
9 relation to the dates and time periods following the close of discovery set forth in the current
10 Scheduling Order, as follows:

Description	Existing Date <i>(See ECF No. 65)</i>	New Date
Discovery Cutoff	November 30, 2017	March 2, 2018
Expert Disclosures	December 15, 2017	March 16, 2018
Supplemental Expert Disclosures	January 31, 2018	May 1, 2018
Completion of Expert Discovery	March 2, 2018	June 1, 2018
Hearing on Dispositive Motions	April 20, 2018	July 20, 2018
File Joint Pretrial Conference Statement	July 20, 2018	December 14, 2018
Final Pretrial Conference	August 10, 2018	January 11, 2019
Trial Briefs Due	September 10, 2018	February 11, 2019
Trial	October 1, 2018	March 4, 2019

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22 IT IS SO STIPULATED.

23 Respectfully submitted,
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Dated: August 8, 2017

ALLIANCE DEFENDING FREEDOM

/s/ Jeremiah Galus
JEREMIAH GALUS (admitted pro hac vice)
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020
jgalus@ADFlegal.org
*Attorneys for Plaintiffs Foothill Church, Calvary
Chapel Chino Hills, and Shepherd of the Hills
Church*

Dated: August 8, 2017

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

/s/ Joshua Sondheimer (as authorized on 8/8/17)
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*

1 **ORDER**

2 Upon stipulation of the parties, and good cause appearing, the court hereby modifies the
3 dates and deadlines set forth in the Second Amendment to the Scheduling Order (ECF No. 65) as
4 follows:

5 The deadlines in the Second Amendment to the Scheduling Order shall be adjusted in
6 relation to the dates and time periods following the close of discovery set forth in the current
7 Scheduling Order, as follows:

Description	Existing Date <i>(See ECF No. 65)</i>	New Date
Discovery Cutoff	November 30, 2017	March 2, 2018
Expert Disclosures	December 15, 2017	March 16, 2018
Supplemental Expert Disclosures	January 31, 2018	May 1, 2018
Completion of Expert Discovery	March 2, 2018	June 1, 2018
Hearing on Dispositive Motions	April 20, 2018	July 13, 2018
File Joint Pretrial Conference Statement	July 20, 2018	Vacated. To be reset after court resolves any dispositive motions.
Final Pretrial Conference	August 10, 2018	Vacated. To be reset after court resolves any dispositive motions.
Trial Briefs Due	September 10, 2018	Vacated. To be reset after court resolves any dispositive motions.
Trial	October 1, 2018	Vacated. To be reset after court resolves any dispositive motions.

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20 This amendment does not alter any other portions of the initial scheduling order (ECF No. 51).

21 IT IS SO ORDERED

22 DATED: August 11, 2017.

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28 UNITED STATES DISTRICT JUDGE