

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 Alexander M. Medina (California Bar No. 222015)
 7 MEDINA McKELVEY LLP
 983 Reserve Drive
 8 Roseville, CA 95678
 (916) 960-2211
 9 alex@medinamckelvey.com
 Attorneys for Plaintiffs

10 *Admitted *pro hac vice*

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

16 **FOOTHILL CHURCH, CALVARY**
 17 **CHAPEL OF CHINO HILLS, and**
 18 **SHEPHERD OF THE HILLS CHURCH,**
 Plaintiffs,
 19
 20 **v.**
 21 **MICHELLE ROUILLARD, in her official**
 22 **capacity as Director of the California**
 23 **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

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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' Second Amended Complaint, which has not yet been issued by the Court.

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

8 1. The Court has granted the Director's motions to dismiss Plaintiffs' initial Complaint
9 and First Amended Complaint, with leave to amend (ECF Nos. 39 and 68);

10 2. Plaintiffs filed a Second Amended Complaint on October 23, 2017 (ECF No. 72);

11 3. The Director filed a Motion to Dismiss Plaintiffs' Second Amended Complaint
12 (Motion to Dismiss) on December 6, 2017, and a hearing on that motion was scheduled for
13 February 9, 2018;

14 4. On February 2, 2018, the Court vacated the February 9, 2018 hearing and deemed the
15 Motion to Dismiss submitted without argument (ECF No. 80);

16 5. The parties have made initial disclosures and served written discovery. Under the
17 current scheduling order, responses to written discovery are due June 1, 2018. (*See* ECF No. 74 at
18 ¶ 5).

19 6. The parties agree that, consistent with the Court's previous orders continuing
20 discovery and other pretrial deadlines while the Director's earlier motions to dismiss remained
21 pending (*see* ECF Nos. 63, 65, 67, and 74), it would be efficient and economical for both the
22 Court and parties to further modify the scheduling order so that service of responses to written
23 discovery and other discovery need not proceed until after the Court rules on the Director's
24 motion to dismiss Plaintiffs' Second Amended Complaint;

25 7. Consistent with the above, the parties agree that if the case schedule is modified as
26 requested below, the deadlines for responses to pending written discovery may be extended until
27 90 days before the deadline for the close of discovery, and that they will not pursue further
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1 discovery until after the Court's ruling on the Director's Motion to Dismiss or 120 days before
2 the close of discovery, whichever is earlier;

3 WHEREFORE, the parties STIPULATE that:

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

6 2. The previous Order amending the Scheduling Order (ECF No. 74) shall, upon the
7 Court's order, be modified as follows:

Description	Existing Date (See ECF No. 74)	New Date
Discovery Cutoff	August 31, 2018	March 1, 2019
Expert Disclosures	September 14, 2018	March 15, 2019
Supplemental Expert Disclosures	October 30, 2018	April 29, 2019
Completion of Expert Discovery	November 30, 2018	May 31, 2019
Hearing on Dispositive Motions	January 11, 2019	July 12, 2019
File Joint Pretrial Conference Statement Final Pretrial Conference Trial Briefs Due Trial	Vacated. To be reset after court resolves any dispositive motions.	Vacated. To be reset after court resolves any dispositive motions.

17 IT IS SO STIPULATED.

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19 Dated: May 22, 2018

Respectfully submitted,
ALLIANCE DEFENDING FREEDOM

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21 /s/ Jeremiah Galus
22 JEREMIAH GALUS (admitted pro hac vice)
23 ALLIANCE DEFENDING FREEDOM
24 15100 N. 90th Street
25 Scottsdale, AZ 85260
26 (480) 444-0020
27 jgalus@ADFlegal.org
28 Attorneys for Plaintiffs Foothill Church, Calvary
Chapel Chino Hills, and Shepherd of the Hills
Church

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Dated: May 22, 2018

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

/s/ Joshua Sondheimer (as authorized on 5/21/18)
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 previous Order amending the
3 Scheduling Order (ECF No. 74) shall be modified as follows:

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Description	Existing Date (See ECF No. 74)	New Date
Discovery Cutoff	August 31, 2018	March 1, 2019
Expert Disclosures	September 14, 2018	March 15, 2019
Rebuttal Expert Disclosures	October 30, 2018	April 29, 2019
Completion of Expert Discovery	November 30, 2018	May 31, 2019
Hearing on Dispositive Motions	January 11, 2019	July 12, 2019 at 10:00 a.m.
File Joint Pretrial Conference Statement Final Pretrial Conference Trial Briefs Due Trial	Vacated. To be reset after court resolves any dispositive motions.	Vacated. To be reset after court resolves any dispositive motions.

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

14 **IT IS SO ORDERED**

15 DATED: May 31, 2018.

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18 UNITED STATES DISTRICT JUDGE
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