

United States District Court  
For the Northern District of California

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

	)	Case No. CV 08-5173 SC
	)	
SANTA ROSA MEMORIAL HOSPITAL, et	)	ORDER LIFTING STAY AND
al.,	)	REQUESTING SUPPLEMENTAL
	)	<u>BRIEFING</u>
Plaintiffs,	)	
	)	
v.	)	
	)	
JENNIFER KENT, <sup>1</sup> Director	)	
of the California Department of	)	
Health Care Services,	)	
	)	
Defendant.	)	
	)	
	)	

Pursuant to the Court's order, ECF No. 138, staying this case pending the Supreme Court's decision in Armstrong v. Exceptional Child Ctr., 135 S. Ct. 1378 (2015), the parties have filed separate (not joint, as ordered) notices of the Supreme Court's decision. ECF Nos. 139 ("Pls.' Notice"), 140 ("Def.'s Notice"). As these notices explain, the parties disagree about how the Court should proceed, with Plaintiffs arguing the Court lacks subject-matter jurisdiction in light of Armstrong, while Defendant contends the Court should simply lift the stay and decide the already-briefed

<sup>1</sup> Jennifer Kent is automatically substituted as the successor of former Director Toby Douglas pursuant to Federal Rule of Civil Procedure 25(d).

1 cross-motions for summary judgment.

2 Rather than decide the cross-motions for summary judgment at  
3 this time, the Court LIFTS the stay, and ORDERS the parties to  
4 submit supplemental briefing as follows:

- 5 • No later than May 1, 2015, Plaintiffs shall file a brief of no  
6 more than ten (10) pages confined to the effects of Armstrong  
7 and any new factual developments.
- 8 • No later than May 15, 2015, Defendant shall file a response of  
9 no more than ten (10) pages confined to the issues raised in  
10 Plaintiffs' brief and any additional arguments she wishes to  
11 raise.
- 12 • No later than May 22, 2015, Plaintiffs may submit a reply of  
13 no more than five (5) pages confined to the issues discussed  
14 in the opening and response briefs.

15 Unless otherwise ordered by the Court, no hearing will be held and  
16 the matters will be taken under submission on the papers. See Civ.  
17 L.R. 7-1(b).

18  
19 IT IS SO ORDERED.

20  
21 Dated: April 16, 2015

  
UNITED STATES DISTRICT JUDGE

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