

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 RE: REQUEST FOR
al.,	)	<u>SUPPLEMENTAL BRIEFING</u>
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JENNIFER KENT, Director	)	
of the California Department of	)	
Health Care Services,	)	
	)	
Defendant.	)	
	)	
	)	

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Pursuant to the Court's order, ECF No. 141, lifting the stay and requesting supplemental briefing, Plaintiffs submitted a brief, ECF No. 143, arguing that the Court should dismiss its claims without prejudice for lack of subject-matter jurisdiction based on the Supreme Court's decision in Armstrong v. Exceptional Child Center, 135 S. Ct. 1378 (2015). Yesterday, one day before Defendant was due to respond to Plaintiffs' supplemental brief, the Ninth Circuit, on remand from the Supreme Court, remanded Armstrong to the district court with direction to "dismiss the Complaint for failure to establish a claim over which we have subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1)."

1 Exceptional Child Ctr. v. Armstrong, No. 12-35382 (9th Cir. May 14,  
2 2015) Dkt. No. 48.

3 To ensure Defendant is aware of this order and has an  
4 opportunity to address it, the Court hereby VACATES the portions of  
5 its prior order, ECF No. 141, requiring Defendant to respond by May  
6 15, 2015, and instead ORDERS as follows:

- 7 • No later than May 22, 2015, Defendant shall file a response  
8 to Plaintiffs' brief, ECF No. 143, of no more than ten (10)  
9 pages, addressed to the issues contained in the opening  
10 brief, additional issues the Attorney General wishes to  
11 raise, any new factual issues, and the Ninth Circuit's  
12 order in Armstrong.
- 13 • No later than May 29, 2015, Plaintiffs may file a reply  
14 brief of no more than five (5) pages confined to the issues  
15 discussed in the opening and response briefs and the recent  
16 order in Armstrong.

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

20  
21 IT IS SO ORDERED.

22  
23 Dated: May 15, 2015

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26 UNITED STATES DISTRICT JUDGE  
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