

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT ROSE, et al.,
Plaintiffs,
v.
STEPHENS INSTITUTE,
Defendant.

Case No. 09-cv-05966-PJH

**ORDER GRANTING REQUEST TO
STAY PROCEEDINGS**

On May 23, 2016, via letter, counsel for the defendant Academy of Art University requested to stay proceedings in this case “pending the U.S. Supreme Court’s decision in Universal Health Services v. United States ex rel. Escobar, 780 F.3d 504 (1st Cir. 2015), *cert. granted*, No. 15-7 (U.S. July 1, 2015).”

The court’s May 4, 2016 order held that the plaintiff relators’ claims were limited to an “implied false certification theory.” Dkt 179, p.12. The Supreme Court granted certiorari in Escobar to decide whether the “‘implied certification’ theory of legal falsity under the FCA . . . is viable.” Petition for Writ of Certiorari, Escobar (No. 15-7). A decision in Escobar is expected this month, and could potentially greatly impact the remaining claims in this case.

No objection or other response has been submitted by plaintiffs.

Accordingly, good cause appearing, the court orders that the case is STAYED until the Supreme Court issues its decision in Escobar. The case management conference scheduled for June 2, 2016 is taken off calendar and will be rescheduled at a later date.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defense counsel shall notify the court immediately upon learning of a decision in Escobar.

IT IS SO ORDERED.

Dated: June 1, 2016.



PHYLLIS J. HAMILTON
United States District Judge