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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6 RAFAEL MUNOZ, et al.,

7 Plaintiffs,

8 v.

9 WATSONVILLE COMMUNITY
10 HOSPITAL, et al.,

11 Defendants.

Case No. 15-cv-00932-BLF

**ORDER GRANTING MOTION FOR
ADDITIONAL SUMMONS AND
EXTENSION OF TIME TO SERVE
DEFENDANT COMMUNITY HEALTH
SYSTEMS INCORPORATED**

[Re: ECF 79]

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13 Plaintiff filed this suit alleging that Defendants violated the Emergency Treatment and
14 Active Labor Act. Second Am. Compl., ECF 70. Before the Court is Plaintiff's motion for
15 additional summons and extension of time to serve Defendant Community Health Systems
16 Incorporated ("CHSI"). Mot., ECF 79.

17 According to Plaintiff, CHSI was properly added as a defendant in the First Amended
18 Complaint on January 11, 2016 as this Court refused to strike CHSI in a prior order in response to
19 a motion to strike. ECF 49, 69. Although CHSI has not been formally served, Plaintiff argues
20 that its alter-ego relationship with another defendant, Watsonville Community Hospital ("WCH")
21 means that service should be deemed made. Mot. 3. Plaintiff further contends that CHSI has
22 submitted to this Court jurisdiction by allowing WCH counsel to make general appearances and
23 arguments on its behalf. *Id.* at 3-4.

24 In response to Plaintiff's motion, Defendant WCH states that it does not oppose Plaintiff's
25 motion for additional summons and an extension of time to serve. However, WCH disputes
26 various statements and arguments made in the motion. For example, WCH claims that Plaintiff's
27 statements on the relationship between WCH and CHSI are incorrect and that the two defendants
28 are separate entities. WCH further asserts that Plaintiff's argument that CHSI has submitted to

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this Court’s jurisdiction is unsupported.

The Court need not address the factual and legal issues disputed by the parties in their papers. Because WCH does not oppose Plaintiff’s motion for additional summons and extension of time to serve CHSI, the Court GRANTS the motion and DIRECTS the Clerk to issue summons. Plaintiff shall file a valid proof of service for CHSI **on or before March 6, 2017.**

IT IS SO ORDERED.

Dated: January 6, 2017


BETH LABSON FREEMAN
United States District Judge