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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AYA HEALTHCARE SERVICES, INC.,  
AYA HEALTHCARE, INC.,

Plaintiffs,

v.

AMN HEALTHCARE, INC., AMN  
HEALTHCARE SERVICES, INC., AMN  
SERVICES, LLC, MEDEFIS, INC., and  
SHIFTWISE, INC.,

Defendants.

Case No.: 17cv205-MMA (MDD)

**NOTICE AND ORDER PROVIDING  
TENTATIVE RULING RE:  
DEFENDANTS' MOTION TO  
DISMISS**

[Doc. No. 15]

20 On Friday, July 14, 2017 at 2:30 p.m., the parties in this antitrust action will appear  
21 before the Court for a hearing on Defendants' motion to dismiss Plaintiffs' First  
22 Amended Complaint ("FAC"). Doc. No. 15. In anticipation of the hearing, the Court  
23 issues the following tentative rulings:

24 **PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE**

25 The Court tentatively **GRANTS** Plaintiffs' request for judicial notice of Exhibits  
26 1-4 for the sole purpose of establishing that the filings were made in AMN's State Court  
27 Action. Doc. No. 17-1; *see In re Bare Escentuals, Inc. Sec. Litig.*, 745 F. Supp. 2d 1052,  
28 1067 (N.D. Cal. 2010) ("[t]he court may take judicial notice of the existence of unrelated

1 court documents, although it will not take judicial notice of such documents for the truth  
2 of the matter asserted therein.”).

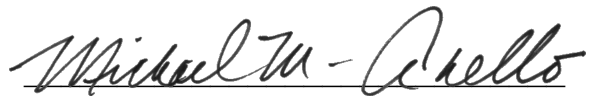
3 **DEFENDANTS’ MOTION TO DISMISS**

4 The Court tentatively **GRANTS** Defendants’ motion to dismiss Plaintiffs’ FAC  
5 **with leave to amend**. The Court requests the parties be prepared to discuss the following  
6 issues at the hearing: Plaintiffs’ allegations of antitrust injury, Plaintiffs’ allegations that  
7 the alleged subcontract agreements entered into between Defendants and rival staffing  
8 providers unreasonably restrain trade, Plaintiffs’ contention that the Court need not  
9 decide whether the *per se*, quick-look, or rule of reason analysis applies at this stage of  
10 the proceedings, and Plaintiffs’ allegations that there is a dangerous probability that  
11 Defendants will succeed in becoming a monopoly.

12 As these rulings are tentative, the Court looks forward to the oral arguments of  
13 counsel.

14 **IT IS SO ORDERED.**

15  
16 Dated: July 13, 2017

17 

18 HON. MICHAEL M. ANELLO  
19 United States District Judge