

FILED

MAR 16 1999

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA
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9 RICHARD VALDIVIA and ELDORA
10 KASKI, individually and on
11 behalf of all similarly
12 situated persons,

13 Plaintiffs,

CIV. NO. S-90-1226 EJG/PAN

14 and

ORDER AFTER HEARING

15 CALIFORNIA ASSOCIATION OF
16 HEALTH FACILITIES, a Nonprofit
17 Association,

18 Intervenor,

19 v.

20 CALIFORNIA DEPARTMENT OF
21 HEALTH SERVICES; MOLLY J.
22 COYE, M.D., M.P.H., Director,
23 Department of Health Services
24 of the State of California, in
25 her official capacity,

26 Defendants.
_____ /

27 This matter was before the court on March 15, 1999 for
28 hearing on intervenor's continued motion to enforce the July 1993
29 settlement agreement and on defendants' motion to dismiss the
30 lawsuit for lack of subject matter jurisdiction and to declare

ULLA

1 the settlement agreement unenforceable. Mark Waxman appeared on
2 behalf of intervenor. Thomas Yanger appeared on behalf of
3 defendants.¹ After considering the parties' written and oral
4 arguments and the record in this matter, and for the reasons
5 stated in the court's oral analysis in open court and on the
6 record, the court enters the following order.

7 1. Defendants' motion to dismiss the complaint in
8 intervention for lack of subject matter jurisdiction is GRANTED.

9 2. The stay issued December 15, 1998 is hereby lifted and
10 intervenor's motion to enforce the July 1993 settlement agreement
11 is now DENIED.

12 3. The Clerk of Court is directed to close this file.

13 IT IS SO ORDERED.

14 Dated: March 15, 1999

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16 EDWARD J. GARCIA, JUDGE
17 UNITED STATES DISTRICT COURT
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25 ¹ The plaintiffs were not a party to these motions.
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United States District Court
for the
Eastern District of California
March 16, 1999

* * CERTIFICATE OF SERVICE * *

2:90-cv-01226

Valdivia

v.

HSDCA

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 16, 1999, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darryl Francis Mansfield
Attorney General's Office of the State of California
PO Box 944255
1300 I Street
Suite 125
Sacramento, CA 94244-2550

LCS/EJG
TM/PAN

Thomas Robert Yanger
Attorney General's Office of the State of California
PO Box 944255
1300 I Street
Suite 125
Sacramento, CA 94244-2550

Eugenie Denise Mitchell
Northern California Lawyers For Civil Justice
604 12th Street
Sacramento, CA 95814

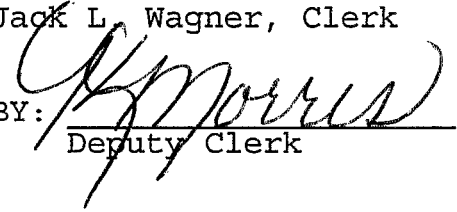
Toby Edelman
National Senior Citizens Law Center
1815 H Street N W
Suite 700
Washington, DC 20006

Neal S Dudovitz
National Senior Citizens Law Center
4777 South Figueroa
Suite 4230
Los Angeles, CA 90017-5800

Mark E Reagan
Foley and Lardner
One Maritime Plaza
Sixth Floor
San Francisco, CA 94111

Richard M Pearl
685 Market Street
Suite 690
San Francisco, CA 94105

Jack L. Wagner, Clerk

BY: 
Deputy Clerk

United States District Court
for the
Eastern District of California
April 23, 1999

* * CERTIFICATE OF RE-SERVICE * *

2:90-cv-01226

Valdivia

v.

HSDCA

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on April 23, 1999, I RE-SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darryl Francis Mansfield
Attorney General's Office of the State of California
PO Box 944255
1300 I Street
Suite 125
Sacramento, CA 94244-2550

LCS/EJG
TM/PAN

ATTORNEY MAINTENANCE

Thomas Robert Yanger
Attorney General's Office of the State of California
PO Box 944255
1300 I Street
Suite 125
Sacramento, CA 94244-2550

Eugenie Denise Mitchell
Northern California Lawyers For Civil Justice
604 12th Street
Sacramento, CA 95814

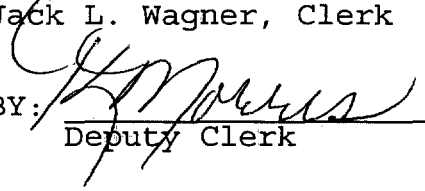
Toby Edelman
National Senior Citizens Law Center
1815 H Street N W
Suite 700
Washington, DC 20006

Neal S Dudovitz
National Senior Citizens Law Center
1101 14th Street, N.W., Ste 400
Washington, D.C. 20005

Mark E Reagan
Foley and Lardner
One Maritime Plaza
Sixth Floor
San Francisco, CA 94111

Richard M Pearl
685 Market Street
Suite 690
San Francisco, CA 94105

Jack L. Wagner, Clerk

BY: 
Deputy Clerk