

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

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| Case No. | CV 08-3315 CAS (MANx)   | Date | May 27, 2010 |
| Title    | INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA ET AL V. SANDRA SHEWRY |      |              |

|                                   |                                   |          |  |
|-----------------------------------|-----------------------------------|----------|--|
| Present: The Honorable            | CHRISTINA A. SNYDER               |          |  |
| CATHERINE JEANG                   | Not Present                       | N/A      |  |
| Deputy Clerk                      | Court Reporter / Recorder         | Tape No. |  |
| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: |          |  |
| Not Present                       | Not Present                       |          |  |

**Proceedings:** (Chambers:) **PETITIONERS' MOTIONS AND REQUESTS FOR: 1) ORDER TO REQUIRE INTERVENORS TO FILE THEIR COMPLAINT IN INTERVENTION WITHIN 7 DAYS, OR BE DISMISSED; 2) ORDER SETTING HEARING DATE FOR RESPONDENT'S MOTION TO DISMISS, [#36]; AND, 3) ORDER TERMINATING THE ORDER [#228] IN RESPECT TO THE WITHIN CASE NO. CV08-3315-CAS INDEPENDENT LIVING CENTER, ET AL., V. SANDRA SHEWRY (filed 5/17/10)**

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of June 14, 2010, is hereby vacated, and the matter is hereby taken under submission.

The facts and procedural history of this action are known to the parties and summarized in this Court's August 18, 2008 order granting in part and denying in part petitioners' motion for preliminary injunction and this Court's November 17, 2008 order granting petitioners' motion for preliminary injunction. On May 17, 2010, petitioners filed the instant motion. On May 24, 2010, respondent filed a notice of non-opposition to the instant motion and intervenors filed a response to petitioners' first request.

The Court addresses petitioners' three requests in turn.

**I. Request for an Order to Require Intervenors to File their Complaint in Intervention within 7 Days, or be Dismissed**

On September 15, 2008, the Court granted permission to intervene to Sacramento Family Medical Clinics, Inc.; Theodore M. Mazer, M.D.; Ronald B. Mead, D.D.S.; and

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Acacia Adult Day Services (“first intervenors”); and denied Eastern Plumas Health Care District; Pioneers Memorial Health Care District; and Kaweah Delta Health Care District permission to intervene. The first intervenors’ complaint in intervention was lodged with the Court on August 29, 2008, with their motion to intervene. Given that the complaint in intervention was filed on the docket on May 25, 2010, Dkt. No. 368, the Court DENIES petitioners’ first request as moot. The Court STRIKES proposed intervenors Eastern Plumas Health Care District, Pioneers Memorial Health Care District; and Kaweah Delta Health Care District from the complaint in intervention, pursuant to the Court’s September 15, 2008 order.

**II. Request for an Order Setting A Hearing Date for Respondent’s Motion to Dismiss (Dkt. No. 36)**

Given that respondent filed on May 24, 2010, a notice of withdrawal of its motion to dismiss, the Court DENIES petitioners’ second request as moot.

**III. Request for an Order Terminating the Order, Dkt. No. 228, with Respect to the Instant Case**

On November 3, 2008, the Court granted in part and denied in part respondent’s ex parte application. Specifically, the Court stayed the instant action, and two related actions, until further order of the Court. Respondent does not oppose petitioners’ request for an order terminating this order. The Court GRANTS petitioners’ request, and hereby orders the stay lifted.

**IV. CONCLUSION**

Based on the foregoing, the Court grants in part and denies in part petitioners’ motion. Specifically, the Court DENIES petitioners’ first and second requests, and grants their third request.

IT IS SO ORDERED.

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 Initials of Preparer \_\_\_\_\_ CMJ  
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