

No. 09-958

Title: Toby Douglas, Director, California Department of Health Care Services,  
Petitioner

v.

Independent Living Center of Southern California, Inc., et al.

Docketed: February 17, 2010

Linked with 09A508

Lower Ct: United States Court of Appeals for the Ninth Circuit

Case Nos.: (08-56422, 08-56554)

Decision Date: July 9, 2009

Rehearing  
Denied: October 29, 2009

Rule 12.4

### Questions Presented

~Date~	~Proceedings and Orders~
Nov 23 2009	Application (09A508) to extend the time to file a petition for a writ of certiorari from December 22, 2009 to February 20, 2010, submitted to Justice Kennedy.
Dec 2 2009	Application (09A508) granted by Justice Kennedy extending the time to file until January 22, 2010.
Jan 8 2010	Application (09A508) to extend further the time from January 22, 2010 to February 20, 2010, submitted to Justice Kennedy.
Jan 8 2010	Application (09A658) to extend the time to file a petition for a writ of certiorari from January 27, 2010 to February 22, 2010, submitted to Justice Kennedy.
Jan 15 2010	Application (09A658) granted by Justice Kennedy extending the time to file until February 22, 2010.
Jan 15 2010	Application (09A508) granted by Justice Kennedy extending the time to file until February 19, 2010.
Feb 16 2010	Petition for a writ of certiorari filed. (Response due March 19, 2010)
Mar 3 2010	Order extending time to file response to petition to and including April 19, 2010, for all respondents.
Mar 19 2010	Brief amici curiae of Michigan, et al. filed.
Apr 19 2010	Brief of respondents Sacramento Family Medical Clinics, Inc., et al. in opposition filed.
Apr 19 2010	Brief of respondents Independent Living Center of Southern California, Inc., et al. in opposition filed.
Apr 30 2010	Reply of petitioner David Maxwell-Jolly, Director, California Department of Health Care Services filed.
May 4 2010	DISTRIBUTED for Conference of May 20, 2010.

May 24 2010 The Solicitor General is invited to file a brief in this case expressing the views of the United States.

Dec 3 2010 Brief amicus curiae of United States filed.

Dec 14 2010 Supplemental brief of petitioner David Maxwell-Jolly, Director, California Department of Health Care Services filed.

Dec 15 2010 DISTRIBUTED for Conference of January 7, 2011.

Jan 10 2011 DISTRIBUTED for Conference of January 14, 2011.

Jan 13 2011 Letter of January 13, 2011, from Acting Solicitor General received. (Distributed)

Jan 18 2011 Petition GRANTED limited to Question 1 presented by the petitions. The petitions for certiorari in No. 09-1158 and No. 10-283 are granted limited to Question 1 presented by the petitions. The cases are consolidated and a total of one hour is allotted for oral argument. VIDED.

Feb 17 2011 The time to file the joint appendix and petitioners' briefs on the merits is extended to and including April 14, 2011. VIDED.

Feb 17 2011 The time to file respondents' briefs on the merits is extended to and including June 24, 2011. VIDED.

Apr 7 2011 The time to file the joint appendix and petitioners' briefs on the merits is further extended to and including May 19, 2011. VIDED.

Apr 7 2011 The time to file respondents' briefs on the merits is further extended to and including July 29, 2011. VIDED.

May 19 2011 Joint appendix filed. VIDED. (Statement of costs filed)

May 19 2011 Brief of petitioner Toby Douglas, Director, California Department of Health Care Services filed. VIDED.

May 25 2011 Brief amici curiae of National Governors Association, et al. filed. VIDED.

May 26 2011 Brief amicus curiae of the United States filed. VIDED.

May 26 2011 Brief amicus curiae of APA Watch filed. VIDED.

May 26 2011 Brief amici curiae of Michigan and 30 Other States filed. VIDED.

Jul 15 2011 CIRCULATED.

Jul 19 2011 SET FOR ARGUMENT ON Monday, October 3, 2011.

Jul 29 2011 Brief of respondents California Pharmacists, et al. filed. VIDED. (Distributed)

Jul 29 2011 Brief of respondents Santa Rosa Memorial Hospital, et al. filed. VIDED. (Distributed)

Jul 29 2011 Brief of respondents Dominguez, et al. filed. VIDED. (Distributed)

Jul 29 2011 Brief of respondents Independent Living Center of Southern California, Inc., et al. filed. VIDED. (Distributed)

Aug 4 2011 Brief amici curiae of National Association of Chain Drug Stores, et al. filed. VIDED. (Distributed)

- Aug 5 2011 Brief amicus curiae of Chamber of Commerce of the United States of America filed. VIDED. (Distributed)
- Aug 5 2011 Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. VIDED.
- Aug 5 2011 Brief amici curiae of Members of Congress filed. VIDED. (Distributed)
- Aug 5 2011 Brief amici curiae of American Medical Association, et al. filed. VIDED. (Distributed)
- Aug 5 2011 Brief amici curiae of American Civil Liberties Union, et al. filed. VIDED. (Distributed)
- Aug 5 2011 Brief amici curiae of American Health Care Association, et al. filed. VIDED. (Distributed)
- Aug 5 2011 Brief amicus curiae of AARP, et al. filed. (Distributed)
- Aug 5 2011 Brief amici curiae of Former HHS Officials filed. VIDED. (Distributed)
- Aug 8 2011 Application (11A171) of petitioners for an extension of time to file a reply brief on the merits and to exceed the word limit, submitted to Justice Kennedy. VIDED
- Aug 10 2011 Application (11A171) granted by Justice Kennedy of petitioners for an extension of time to file a reply brief on the merits and to exceed the word limit. The reply brief of no more than 9,000 words is to be filed on or before September 6, 2011.
- Aug 11 2011 Record received fro U.S.C.A. for 9th Circuit. (1 envelope)
- Aug 11 2011 Record from U.S.D.C. for Central District of California is electronic.
- Sep 1 2011 Reply of petitioners Toby Douglas, Director, California Department of Health Care Services filed. VIDED. (Distributed)
- Sep 27 2011 Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED. VIDED.
- Oct 3 2011 Argued. For petitioner: Karin S. Schwartz, Supervising Deputy Attorney General, San Francisco, Cal.; and Edwin S. Kneeder, Deputy Solicitor General, Department of Justice, Washington, D. C. (for United States, as amicus curiae.) For respondents: Carter G. Phillips, Washington, D. C.)
- Oct 28 2011 Letter with attachments received from the Solicitor General. VIDED. (Distributed)
- Nov 4 2011 The parties and the Solicitor General are directed to file supplemental briefs addressing the following question: "What should be the effect, if any, of the developments discussed in the letter submitted by the Solicitor General on October 28, 2011, on the proper disposition of this case?" The briefs, in letter format, limited to 10 pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, November 18, 2011. VIDED.
- Nov 18 2011 Supplemental brief of petitioner Toby Douglas, Director, California Department of Health Care Services filed. VIDED. (Distributed)

- Nov 18 2011 Supplemental brief of respondents Independent Living Center of Southern California, Inc., et al. filed. VIDED. (Distributed)
- Nov 18 2011 Supplemental brief of United States filed. VIDED. (Distributed)
- Nov 18 2011 Supplemental brief of respondents' counsel Carter Phillips, Deanne E. Maynard, and Stephen P. Berzon (Distributed). filed. VIDED.
- Jan 17 2012 Letter, dated January 17, 2012, received from the Attorney General of California informing the Court of recent preliminary injunctions. (Distributed). VIDED.
- Jan 20 2012 Letter, dated January 20,2012, received from counsel for respondents in response to State of California's letter of January 17, 2012 (Distributed). VIDED.
- Feb 22 2012 Judgment VACATED and case REMANDED. Breyer, J., delivered the opinion of the Court, in which Kennedy, Ginsburg, Sotomayor, and Kagan, JJ., joined. Roberts, C. J., filed a dissenting opinion, in which Scalia, Thomas, and Alito, JJ., joined.
- Mar 26 2012 JUDGMENT ISSUED.

~~Name~~~~~Address~~~~~Phone~~~

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