

(MANx), CLOSED, DISCOVERY, MANADR, RELATED-G

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:09-cv-07097-CAS-MAN**

National Association of Chain Drug Stores et al v. Arnold
Schwarzenegger et al
Assigned to: Judge Christina A. Snyder
Referred to: Magistrate Judge Margaret A. Nagle
Related Case: 2:08-cv-03315-CAS-MAN
Case in other court: 9th CCA, 09-57051
Cause: 28:1331 Fed. Question

Date Filed: 09/30/2009
Date Terminated: 05/06/2010
Jury Demand: Defendant
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

**National Association of Chain Drug
Stores**

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Plaintiff

**National Community Pharmacists'
Association**

represented by **Audra Lynn Thompson**
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V.

Defendant

Arnold Schwarzenegger
*not individually, but solely in his official
capacity as Governor of the State of
California*

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Defendant

David Maxwell-Jolly
*not individually, but solely in her official
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represented by **Ismael A Castro**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Weng-Gutierrez
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**The California Department of
 Healthcare Services**

represented by **Ismael A Castro**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Weng-Gutierrez
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Defendant

Kim Belshe
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 Health and Human Services Agency*

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Julie Weng-Gutierrez
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Date Filed	#	Docket Text
09/30/2009	<u>1</u>	COMPLAINT against Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services. (Filing fee \$ 350 PAID), filed by plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association.(car) (esa). (Entered: 10/02/2009)
09/30/2009		20 DAY Summons Issued re Complaint – (Discovery), <u>1</u> as to Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services. (car) (Entered: 10/02/2009)
09/30/2009	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association (car) (esa). (Entered: 10/02/2009)

09/30/2009	<u>3</u>	NOTICE of Pendency of Other Actions or Proceedings filed by plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (car) (esa). (Entered: 10/02/2009)
09/30/2009	<u>4</u>	PLIANTIFFS DISCLOSURE STATEMENT filed by National Association of Chain Drug Stores, National Community Pharmacists' Association (car) (esa). (Entered: 10/02/2009)
09/30/2009	<u>5</u>	NOTICE of Related Case(s) filed by plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. Related Case(s): No related cases (car) (esa). (Entered: 10/02/2009)
09/30/2009	<u>6</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Frederick R. Ball for Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. Your Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear, form G-64, or a copy of the Notice of Electronic filing of your application and the \$185.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. (car) (Entered: 10/02/2009)
09/30/2009	<u>7</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Nicholas J. Lynn for Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. Your Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear, form G-64, or a copy of the Notice of Electronic filing of your application and the \$185.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. (car) (Entered: 10/02/2009)
09/30/2009	<u>8</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Richard P. Darke for Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. Your Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear, form G-64, or a copy of the Notice of Electronic filing of your application and the \$185.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. (car) (Entered: 10/02/2009)
09/30/2009	<u>9</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Christopher Petelle for Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. Your Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear, form G-64, or a copy of the Notice of Electronic filing of your application and the \$185.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. (car) (Entered: 10/02/2009)
09/30/2009	<u>10</u>	NOTICE TO PARTIES OF ADR PILOT PROGRAM filed.(car) (Entered: 10/02/2009)
10/02/2009	<u>11</u>	FIRST AMENDED COMPLAINT against defendants Kim Belshe, Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services amending Complaint - (Discovery), Complaint - (Discovery) <u>1</u> , filed by plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (Attachments: # <u>1</u> 20 Days Summons). (jp) (Entered: 10/08/2009)
10/02/2009		20 DAY Summons Issued re First Amended Complaint <u>11</u> as to Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (jp) (Entered: 10/08/2009)

10/13/2009	<u>12</u>	STANDING ORDER by Judge Valerie Baker Fairbank (se) (Entered: 10/13/2009)
10/15/2009	<u>13</u>	PROOF OF SERVICE Executed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association, upon The California Department of Healthcare Services served on 10/13/2009, answer due 11/2/2009. Original Summons not returned. (Roland, Yvette) (Entered: 10/15/2009)
10/15/2009	<u>14</u>	PROOF OF SERVICE Executed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association, upon Kim Belshe served on 10/13/2009, answer due 11/2/2009. Original Summons not returned. (Roland, Yvette) (Entered: 10/15/2009)
10/15/2009	<u>15</u>	PROOF OF SERVICE Executed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association, upon Arnold Schwarzenegger served on 10/6/2009, answer due 10/26/2009. Original Summons not returned. (Roland, Yvette) (Entered: 10/15/2009)
10/15/2009	<u>16</u>	PROOF OF SERVICE Executed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association, upon David Maxwell-Jolly served on 10/13/2009, answer due 11/2/2009. Original Summons not returned. (Roland, Yvette) (Entered: 10/15/2009)
10/20/2009	<u>17</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 08-05 -Related Case- filed. Related Case No: CV 08-03315 CAS(MANx). Case transferred from Judge Valerie Baker Fairbank and Magistrate Judge Frederick F. Mumm to Judge Christina A. Snyder and Magistrate Judge Margaret A. Nagle for all further proceedings. The case number will now reflect the initials of the transferee Judge CV 09-07097 CAS (MANx).Signed by Judge Christina A. Snyder (rn) (Entered: 10/20/2009)
10/20/2009	<u>18</u>	APPLICATION for attorney Frederick R. Ball to Appear Pro Hac Vice (PHV FEE NOT PAID.) filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 10/20/2009)
10/20/2009	<u>19</u>	APPLICATION for attorney Nicholas J. Lynn to Appear Pro Hac Vice (PHV FEE NOT PAID.) filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 10/20/2009)
10/20/2009	<u>20</u>	APPLICATION for attorney Christopher J. Petelle to Appear Pro Hac Vice (PHV FEE NOT PAID.) filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 10/20/2009)
10/20/2009	<u>21</u>	APPLICATION for attorney Richard P. Darke to Appear Pro Hac Vice (PHV FEE NOT PAID.) filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 10/20/2009)
10/20/2009	<u>22</u>	ORDER by Judge Christina A. Snyder granting Application of Non-Resident Attorney Christopher J. Petelle to appear on behalf of Plaintiffs National Association of Chain Drug Stores and National Community Pharmacists Association <u>20</u> , designating Yvette D. Roland as local counsel. (gk) (Entered: 10/21/2009)
10/20/2009	<u>23</u>	ORDER by Judge Christina A. Snyder granting Application of Non-Resident Attorney Nicholas J. Lynn to appear on behalf of Plaintiffs National Association of Chain Drug Stores and National Community Pharmacists Association <u>19</u> , designating Yvette D. Roland as local counsel. (gk) (Entered: 10/21/2009)
10/20/2009	<u>24</u>	ORDER by Judge Christina A. Snyder granting Application of Non-Resident Attorney Frederick R. Ball to appear on behalf of Plaintiffs National Association of Chain Drug Stores and National Community Pharmacists Association <u>18</u> , designating Yvette D. Roland as local counsel. (gk) Modified on 10/21/2009 (gk). (Entered: 10/21/2009)

10/20/2009	<u>25</u>	ORDER by Judge Christina A. Snyder granting Application of Non-Resident Attorney Richard P. Darke to appear on behalf of Plaintiffs National Association of Chain Drug Stores and National Community Pharmacists Association <u>21</u> , designating Yvette D. Roland as local counsel. (gk) (Entered: 10/21/2009)
10/21/2009	<u>26</u>	NOTICE TO COUNSEL by Judge Christina A. Snyder: This case has been assigned to the calendar of Judge Christina A. Snyder. This Notice to Counsel shall be to all parties appearing in propria persona, and for purposes of this notice, the term counsel shall include any person appearing in pro per. (see document for details) (kpa) (Entered: 10/22/2009)
10/27/2009	<u>27</u>	FIRST STIPULATION Extending Time to Answer the complaint as to Arnold Schwarzenegger answer now due 11/20/2009; David Maxwell-Jolly answer now due 11/20/2009; The California Department of Healthcare Services answer now due 11/20/2009; Kim Belshe answer now due 11/20/2009, filed by defendants Arnold Schwarzenegger; David Maxwell-Jolly; The California Department of Healthcare Services; Kim Belshe. (Attachments: # <u>1</u> Proposed Order for Extension of Time)(Weng-Gutierrez, Julie) (Entered: 10/27/2009)
10/28/2009	<u>28</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Incorrect event selected. Correct event to be used is Stipulations - Extending Time to Answer (More than 30 days). Stipulations - Extending Time to Answer (30 days or less) event was utilized in docketing this filing. The "30 days or less" event is used for Stipulations as to an initial complaint, pursuant to Local Rule 8-3, which do not require an order of the Court RE: Stipulation for Extension of Time to Respond to First Amended Complaint filed 10/27/2009 <u>27</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (gk) (Entered: 10/28/2009)
10/29/2009	<u>29</u>	ORDER ON STIPULATION TO EXTEND THE TIME TO RESPOND TO FIRST AMENDED COMPLAINT by Judge Christina A. Snyder: Upon Stipulation <u>27</u> , The Court does hereby ORDER that Defendants' response to Plaintiffs' First Amended Complaint <u>11</u> is due on or before 11/20/2009. (gk) (Entered: 10/29/2009)
11/02/2009	<u>30</u>	NOTICE OF MOTION AND MOTION for Preliminary Injunction re: State Reimbursement Reduction filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. Motion set for hearing on 11/23/2009 at 10:00 AM before Judge Christina A. Snyder. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>31</u>	MEMORANDUM in Support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>32</u>	DECLARATION of Yvette D. Roland in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>33</u>	DECLARATION of Kenneth W. Schafermeyer in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>34</u>	DECLARATION of William F. Wolfe in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>35</u>	DECLARATION of John Wilson in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)

11/02/2009	<u>36</u>	DECLARATION of Laura Miller in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>37</u>	DECLARATION of John Cronin in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>38</u>	DECLARATION of Brian Komoto in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>39</u>	DECLARATION of Victor Curtis in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>40</u>	DECLARATION of Gary Tewel in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>41</u>	DECLARATION of John Rector in support of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/02/2009)
11/02/2009	<u>42</u>	COMPENDIUM OF CERTAIN AUTHORITIES CITED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION re MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Roland, Yvette) (Entered: 11/02/2009)
11/03/2009	<u>43</u>	NOTICE OF LODGING filed re MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 11/03/2009)
11/04/2009	<u>44</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Separately attached proposed order regarding motion for preliminary injunction is made ready for a Superior Court Judge's signature RE: Notice of Lodging of Proposed Order filed 11/3/2009 <u>43</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (gk) (Entered: 11/04/2009)
11/05/2009	<u>45</u>	First EXPARTE APPLICATION for Extension of Time to File Respond to Plaintiff's Motion for Preliminary Injunction filed by defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Declaration iof Julie Weng Gutierrez, # <u>3</u> Declaration of Ismael Castro, # <u>4</u> Notice of Lodging, # <u>5</u> Proposed Order)(Weng-Gutierrez, Julie) (Entered: 11/05/2009)
11/06/2009	<u>46</u>	OPPOSITION to First EXPARTE APPLICATION for Extension of Time to File Respond to Plaintiff's Motion for Preliminary Injunction <u>45</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/06/2009)
11/09/2009	<u>47</u>	DECLARATION of Julie Weng-Gutierrez in support of First EXPARTE APPLICATION for Extension of Time to File Respond to Plaintiff's Motion for Preliminary Injunction <u>45</u> <i>Supplemental Declaration</i> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Weng-Gutierrez, Julie) (Entered: 11/09/2009)

11/09/2009	<u>48</u>	ORDER GRANTING DEFENDANTS' EX PARTE APPLICATION FOR CONTINUANCE AND EXTENSION OF TIME by Judge Christina A. Snyder: Defendants' Ex Parte Application <u>45</u> is GRANTED. The hearing on Plaintiffs' Motion for Preliminary Injunction <u>30</u> is continued to 12/7/2009 at 10:00 AM. The current hearing date of 11/23/2009 is hereby vacated. Defendants' opposition to the Motion for Preliminary Injunction is due on or before 11/23/2009. (gk) (Entered: 11/09/2009)
11/20/2009	<u>49</u>	NOTICE OF MOTION AND First MOTION to Dismiss Case filed by defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. Motion set for hearing on 12/14/2009 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Motion to Dismiss-Points and Authorities, # <u>2</u> Request for Judicial Notice, # <u>3</u> Request for Judicial Notice Exhibits 1-6, # <u>4</u> Request for Judicial Notice Exhibits 7-9, # <u>5</u> Proposed Order)(Castro, Ismael) (Entered: 11/20/2009)
11/23/2009	<u>50</u>	MEMORANDUM in Opposition to MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Weng-Gutierrez, Julie) (Entered: 11/23/2009)
11/23/2009	<u>51</u>	DECLARATION of Kevin Gorospe in Opposition to MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Attachments: # <u>1</u> Exhibit A - part 1, # <u>2</u> Exhibit A - part 2, # <u>3</u> Exhibits B-F, # <u>4</u> Exhibits G-I)(Weng-Gutierrez, Julie) (Entered: 11/23/2009)
11/23/2009	<u>52</u>	DECLARATION of Susan Flores in Opposition to MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Weng-Gutierrez, Julie) (Entered: 11/23/2009)
11/23/2009	<u>53</u>	OBJECTION to Plaintiff's Proposed Order re: MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Weng-Gutierrez, Julie) (Entered: 11/23/2009)
11/23/2009	<u>54</u>	OBJECTION to Plaintiff's Evidence re: MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Weng-Gutierrez, Julie) (Entered: 11/23/2009)
11/23/2009	<u>55</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents Re: Defendants' Notice of Motion and Motion to Dismiss First Amended Complaint <u>49</u> . The following error(s) was found: Local Rule 7.1-1 No Certification of Interested Parties and/or no copies. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (jre) (Entered: 11/23/2009)
11/30/2009	<u>56</u>	MEMORANDUM in Opposition to First MOTION to Dismiss Case <u>49</u> filed by Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)
11/30/2009	<u>57</u>	DECLARATION of YVETTE D. ROLAND IN OPPOSITION TO First MOTION to Dismiss Case <u>49</u> filed by Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)
11/30/2009	<u>58</u>	REPLY IN SUPPORT OF MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)
11/30/2009	<u>59</u>	DECLARATION of KENNETH W. SCHAFERMEYER IN SUPPORT OF MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Community Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)

11/30/2009	<u>60</u>	RESPONSE IN SUPPORT of MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)
11/30/2009	<u>61</u>	Objections in support of re: MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 11/30/2009)
12/04/2009	<u>65</u>	STATEMENT of Interest filed by the United States of America. (gk) (Entered: 12/07/2009)
12/06/2009	<u>62</u>	PLAINTIFFS' RESPONSE TO DEPARTMENT OF JUSTICE STATEMENT OF INTEREST re MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 12/06/2009)
12/07/2009	<u>63</u>	MINUTES of Hearing on Plaintiffs' Motion for Preliminary Injunction held before Judge Christina A. Snyder: Hearing held and counsel are present. Tentative order provided. The Court confers with counsel and counsel argue. Plaintiffs motion is taken under submission. As discussed in Court, the Court orders the Government to file further briefing as to its Statement of Interest filed on December 4, 2009. Court Reporter: Laura Elias. (jre) (Entered: 12/07/2009)
12/07/2009	<u>64</u>	REPLY to Opposition to First MOTION to Dismiss Case <u>49</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe. (Castro, Ismael) (Entered: 12/07/2009)
12/11/2009	<u>66</u>	MINUTE ORDER (In Chambers) by Judge Christina A. Snyder. On the Courts own motion, the defendants Motion to Dismiss First Amended Complaint <u>49</u> (filed 11/20/09) is hereby taken under submission. Pursuant to Federal Rule of Civil Procedure 78 and Local Rule 7-15, the Court hereby dispenses with oral argument on the above motion and will decide the motion on the basis of the papers submitted. Therefore, the parties are not to appear before this Court on December 14, 2009 at 10:00 A.M. (pp) (Entered: 12/11/2009)
12/21/2009	<u>67</u>	STATEMENT of Interest of the United States of America MOTION for Preliminary Injunction re: State Reimbursement Reduction <u>30</u> filed by Interested Party United States of America. (Davis, Ethan) (Entered: 12/21/2009)
12/22/2009	<u>68</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: denying <u>49</u> Motion to Dismiss Case. (See document for details) (kpa) (Entered: 12/22/2009)
12/22/2009	<u>69</u>	ORDER DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION by Judge Christina A. Snyder <u>30</u> : In accordance with the foregoing, Court DENIES plaintiffs' motion for preliminary injunction. (See Order for details) (kpa) (Entered: 12/22/2009)
12/28/2009	<u>70</u>	NOTICE OF APPEAL to the 9th CCA filed by plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. Appeal of Order on Motion for Preliminary Injunction <u>69</u> . (Attachments: # <u>1</u> Exhibit Exhibit A to Notice of Appeal re Order on Preliminary Injunction, # <u>2</u> Exhibit Exhibit B to Notice of Appeal re Order on Preliminary Injunction)(Roland, Yvette) (Entered: 12/28/2009)
12/29/2009	<u>71</u>	FILING FEE LETTER issued as to Plaintiff National Association of Chain Drug Stores, National Cummunity Pharmacists' Association, re Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> . (dmap) (Entered: 12/29/2009)
12/29/2009	<u>72</u>	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> as to Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association; Receipt Number: 128925 in the amount of \$455. (dmap) (Entered: 12/29/2009)
12/29/2009	<u>73</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 09-57051, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> as to plaintiff

		National Association of Chain Drug Stores. (Ira) (Entered: 12/30/2009)
01/12/2010	<u>74</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> filed by National Association of Chain Drug Stores, National Community Pharmacists' Association, CCA # 09-57051. The motion is denied. order received in this district on 1/12/2010. Appllant's urgen motion to vacate the district court's December 22, 2009 order and to enjoin appellees from continuing to implement prescription drug reimbursement reductions, pending appeal is denied without prejudice to renewal, if necessary, upon the filing and disposition of such request in the district court. Appellant's request for an expedited briefing schedule and hearing date is granted in part. (Ira) (Entered: 01/13/2010)
01/14/2010	<u>75</u>	EX PARTE APPLICATION to Shorten Time for Hearing filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Roland, Yvette) (Entered: 01/14/2010)
01/14/2010	<u>76</u>	MEMORANDUM in Support of EX PARTE APPLICATION to Shorten Time for Hearing <u>75</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 01/14/2010)
01/14/2010	<u>77</u>	DECLARATION of Yvette D. Roland in support of EX PARTE APPLICATION to Shorten Time for Hearing <u>75</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Roland, Yvette) (Entered: 01/14/2010)
01/15/2010	<u>78</u>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: December 7, 2009; Court Reporter: Laura Elias; Court of Appeals Case Number: 09-57051; Re: <u>70</u> (Thompson, Audra) (Entered: 01/15/2010)
01/19/2010	<u>79</u>	MEMORANDUM in Opposition to EX PARTE APPLICATION to Shorten Time for Hearing <u>75</u> filed by Defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Deparment of Healthcare Services, Kim Belshe. (Attachments: # <u>1</u> Declaration of Julie WengGutierrez)(Weng-Gutierrez, Julie) (Entered: 01/19/2010)
01/20/2010	<u>80</u>	MINUTE ORDER (IN CHAMBERS) by Judge Christina A. Snyder: the Court DENIES plaintiffs' ex parte application to shorten time <u>75</u> without prejudice to plaintiffs bringing a request for preliminary injunction pending appeal, pursuant to Fed. R. Civ. P. 62(c), on noticed motion. The hearing date for such a motion may be set for Monday, February 22, 2010, at 10:00 AM. See document for details. (jre) (Entered: 01/20/2010)
01/20/2010	<u>81</u>	ANSWER to Amended Complaint, <u>11</u> with JURY DEMAND filed by defendants Arnold Schwarzenegger, David Maxwell-Jolly, The California Department of Healthcare Services, Kim Belshe.(Castro, Ismael) (Entered: 01/20/2010)
01/21/2010	<u>82</u>	TRANSCRIPT for proceedings held on 12-07-09. Court Reporter/Electronic Court Recorder: LAURA ELÍAS, phone number 213-620-0890. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/11/2010. Redacted Transcript Deadline set for 2/21/2010. Release of Transcript Restriction set for 4/21/2010. (Elias, Laura) (Entered: 01/21/2010)
01/21/2010	<u>83</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 12-07-09 (Elias, Laura) (Entered: 01/21/2010)
01/21/2010	<u>84</u>	MINUTES (IN CHAMBERS) – ORDER SETTING SCHEDULING CONFERENCE by Judge Christina A. Snyder: Scheduling Conference set for 4/26/2010 11:00 AM before Judge Christina A. Snyder. The parties are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the date of the Rule 16(b) Scheduling Conference and to report to the Court not later than 14 days after they confer on a discovery plan and the other matters required by F.R.Civ.P. 26(f) and the Local Rules of this Court. If

		this case has been assigned to the ADR Pilot Program, counsel shall concurrently file the ADR Questionnaire. Court Reporter Not Present. (gk) (Entered: 01/22/2010)
01/22/2010	<u>85</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: No Certification of Interested Parties, Local Rule 7.1-1 RE: Answer of Defendants to First Amended Complaint filed 1/20/2010 <u>81</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (gk) (Entered: 01/22/2010)
01/22/2010	<u>86</u>	CERTIFICATE OF RECORD Transmitted to USCA re Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> filed by National Association of Chain Drug Stores, National Cummunity Pharmacists' Association ; Court of Appeals Case Number: 09-50565. (dmap) (Entered: 01/22/2010)
02/01/2010	<u>87</u>	NOTICE OF MOTION AND MOTION for Preliminary Injunction re: Pending Appeal filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. Motion set for hearing on 2/22/2010 at 10:00 AM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>88</u>	MEMORANDUM in Support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>89</u>	DECLARATION of Yvette D. Roland in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit A)(Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>90</u>	DECLARATION of Yvette D. Roland in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>91</u>	DECLARATION of Kenneth W. Schafermeyer in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>92</u>	DECLARATION of William F. Wolfe in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>93</u>	DECLARATION of John Wilson in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>94</u>	DECLARATION of John Cronin in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>95</u>	DECLARATION of Brian Komoto in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>96</u>	DECLARATION of Victor Curtis in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/01/2010	<u>97</u>	DECLARATION of Gary Tewel in support of MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain

		Drug Stores, National Cummunity Pharmacists' Association. (Roland, Yvette) (Entered: 02/01/2010)
02/08/2010	<u>98</u>	STIPULATION for Hearing re MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 02/08/2010)
02/09/2010	<u>99</u>	ORDER ON STIPULATION RE BRIEFING SCHEDULE AND HEARING ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION PENDING APPEAL by Judge Christina A. Snyder: Upon Stipulation <u>98</u> , IT IS ORDERED that the parties comply with the following briefing schedule: Plaintiffs file the Motion for Preliminary Injunction re: Pending Appeal <u>87</u> by 2/1/2010. Defendants file their opposition to the Motion by 2/16/2010. Plaintiffs waive the filing of a reply in support of the Motion and that this Court will maintain the noticed 2/22/2010 hearing date on the Motion. (gk) (Entered: 02/10/2010)
02/16/2010	<u>100</u>	MEMORANDUM in Opposition to MOTION for Preliminary Injunction re: Pending Appeal <u>87</u> filed by Defendants Kim Belshe, David Maxwell-Jolly, Arnold Schwarzenegger, The California Department of Healthcare Services. (Attachments: # <u>1</u> Declaration of Marco Gonzales, # <u>2</u> Request for Judicial Notice, # <u>3</u> Attachment 1, # <u>4</u> Attachment 1-A, part 1, # <u>5</u> Attachment 1-A, part 2, # <u>6</u> Attachment 1-B, part 1, # <u>7</u> Attachment 1-B, part 2)(Weng-Gutierrez, Julie) (Entered: 02/16/2010)
02/22/2010	<u>101</u>	ORDER DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION PENDING APPEAL by Judge Christina A. Snyder: The Court DENIES plaintiffs' Motion for Preliminary Injunction Pending Appeal <u>87</u> . (gk) (Entered: 02/23/2010)
02/22/2010	<u>102</u>	MINUTES OF Motion Hearing held before Judge Christina A. Snyder: The Court invites counsel to argue the tentative ruling, takes Plaintiffs' Motion for Preliminary Injunction Pending Appeal <u>87</u> under submission and indicates that a written order will follow. Court Reporter: Laura Elias. (gk) (Entered: 03/03/2010)
04/09/2010	<u>103</u>	STIPULATION to Stay Case pending Decision on Appeal of Plaintiffs' Motion for Preliminary Injunction filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association. (Attachments: # <u>1</u> Proposed Order)(Roland, Yvette) (Entered: 04/09/2010)
04/13/2010	<u>104</u>	ORDER GRANTING STIPULATION <u>103</u> RE STAY OF DISTRICT COURT ACTION PENDING DECISION ON APPEAL OF PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION by Judge Christina A. Snyder. IT IS HEREBY ORDERED that the above-captioned matter shall be stayed until thirty (30) days after a Ninth Circuit decision has been rendered with regard to the appeal of this Courts December 22, 2009 Order denying Plaintiffs NACDS and NCPAs motion for preliminary injunction. The Scheduling Conference is vacated. A Joint Report shall be filed on or before July 13, 2010, and every quarter thereafter until action is reinstated, or by order of the Court. (pp) (Entered: 04/13/2010)
05/05/2010	<u>105</u>	STIPULATION to Dismiss Case pursuant to Federal Rule of Civil Procedure 41(a)(1) filed by Plaintiffs National Association of Chain Drug Stores, National Cummunity Pharmacists' Association.(Roland, Yvette) (Entered: 05/05/2010)
05/06/2010	<u>106</u>	MINUTES (IN CHAMBERS) by Judge Christina A. Snyder: The Court, having received the parties' Stipulation filed on 5/5/2010 <u>105</u> , orders this matter dismissed without prejudice pursuant to the Federal Rule of Civil Procedure 41(a)(1). Each party shall bear it respective attorney's fees and costs. (Made JS-6. Case Terminated.) Court Reporter: Not Present. (gk) (Entered: 05/06/2010)
05/07/2010	<u>107</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>70</u> , CCA # 09-57051. The Judgment of the district court is Affirmed. Mandate received in this district on 5/7/10. (car) (Entered: 05/07/2010)