

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

0

CIVIL MINUTES - GENERAL

Case No.	CV 10-3284 CAS (MANx) CV 10-3259 CAS (RZx)	Date	June 15, 2010
Title	CALIFORNIA ASSOCIATION OF HEALTH FACILITIES v. DAVID MAXWELL-JOLLY; ET AL.; AND DEVELOPMENTAL SERVICES NETWORK; ET AL. v. DAVID MAXWELL-JOLLY; ET AL.		

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: (In Chambers:) DEFENDANT’S MOTION TO CONSOLIDATE ACTIONS (filed 05/24/10)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. The hearing date of June 21, 2010, is hereby vacated and the matter is hereby taken under submission.

Having reviewed the submitted papers, the Court finds it appropriate to consolidate Case No. CV 10-3284 CAS (MANx) with Case No. 10-3259 CAS (RZx). Fed. R. Civ. P. 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” A court has broad discretion when deciding whether to grant a motion to consolidate. Perez-Funez v. District Director, I.N.S., 611 F. Supp. 990, 994 (C.D. Cal. 1984). If the commonality requirement is satisfied, the court must then “balance the saving of time and effort consolidation will produce against any inconvenience, delay, confusion or prejudice that may result.” Takeda v. Turbodyne Technologies, Inc., 67 F. Supp. 2d 1129, 1132 (C.D. Cal. 1999).

The Court finds that the two instant actions involve common questions of law and fact, and therefore should be consolidated for all purposes. Both actions are brought by entities that are or represent certain Medi-Cal providers, specifically intermediate care facilities for the developmentally disabled (“ICF/DD”) and freestanding pediatric

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

0

CIVIL MINUTES - GENERAL

Case No.	CV 10-3284 CAS (MANx) CV 10-3259 CAS (RZx)	Date	June 15, 2010
Title	CALIFORNIA ASSOCIATION OF HEALTH FACILITIES v. DAVID MAXWELL-JOLLY; ET AL.; AND DEVELOPMENTAL SERVICES NETWORK; ET AL. v. DAVID MAXWELL-JOLLY; ET AL.		

subacute facilities (“FSP facilities”), which seek to enjoin implementation or enforcement of amendments to Cal. Welf. & Inst. Code § 14105.191 on the grounds that said provisions violate 42 U.S.C. § 1396a(30)(A) of the Medicaid Act and are thus preempted under the Supremacy Clause. Accordingly, the Court GRANTS defendant’s motion and hereby orders that the two matters be consolidated. Each side is directed to hereinafter submit only one brief. However, upon a showing of good cause, the Court may grant a request to increase the page limits of said briefs beyond those set forth in the Local Rules of Court. Counsel are advised that the Court will allow oversized briefs in only rare instances.

IT IS SO ORDERED.

Initials of Preparer
00 : 00
CMJ