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13 Attorneys for Defendants EDMUND G. BROWN JR.,  
14 CHRISTINE BAKER, RONNIE CAPLANE, and  
15 DESTIE OVERPECK, in their official capacities

16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 ANGELOTTI CHIROPRACTIC, INC.,  
19 MOONEY & SHAMSBOD  
20 CHIROPRACTIC, INC.,  
21 CHRISTINA-ARANA & ASSOCIATES,  
22 INC.,  
23 JOYCE ALTMAN INTERPRETERS,  
24 INC.,  
25 SCANDOC IMAGING, INC., and  
26 BUENA VISTA MEDICAL SERVICES,  
27 INC.,

28 Plaintiffs,

v.

29 EDMUND G. BROWN, JR., *in his*  
30 *official capacity as Governor of*  
31 *California,*  
32 KAMALA D. HARRIS, *in her official*  
33 *capacity as Attorney General of*  
34 *California,*  
35 CHRISTINE BAKER, *in her official*  
36 *capacity as Director of the California*  
37 *Department of Industrial Relations,*

CASE NO.: SA CV 13-01139-GW  
(JEMx)

STIPULATION REGARDING  
DISMISSAL OF DEFENDANTS  
EDMUND G. BROWN, JR. AND  
KAMALA D. HARRIS, EXTENSION  
OF TIME TO RESPOND TO INITIAL  
COMPLAINT BY NOT MORE THAN  
30 DAYS, AND BRIEFING  
SCHEDULE [L.R. 8-3 AND 7-1]

Complaint served: July 30, 2013  
Current response date: August 20, 2013  
New response date: September 12, 2013

Dept.: Courtroom 10

Judge: Hon. George H. Wu

1 RONNIE CAPLANE, in her official  
2 capacity as Chair of the California  
Workers' Compensation Appeals Board,  
and

3 DESTIE OVERPECK, in her official  
4 capacity as Acting Administrative  
5 Director of the California Division of  
Workers' Compensation,

6 Defendants.

7  
8 The parties to the above-entitled action, Plaintiffs Angelotti Chiropractic,  
9 Inc.; Mooney & Shamsbod Chiropractic, Inc.; Christina-Arana & Associates, Inc.;  
10 Joyce Altman Interpreters, Inc.; Scandoc Imaging, Inc.; and Buena Vista Medical  
11 Services, Inc., (collectively, "Plaintiffs") and Defendants Edmund G. Brown Jr.  
12 ("Brown"), Kamala Harris ("Harris"), Christine Baker ("Baker"), Ronnie Caplane  
13 ("Caplane"), and Destie Overpeck ("Overpeck") (collectively, "Defendants"),  
14 hereby stipulate and agree:

15 **STIPULATIONS**

16 **A. DISMISSAL OF DEFENDANTS BROWN AND HARRIS**

- 17 1. Defendants Brown and Harris represent and stipulate neither they nor the  
18 offices they hold have any role in the enforcement of Senate Bill 863,  
19 Chapter 363, Stats. 2012 ("SB 863"), the constitutionality of which  
20 Plaintiffs have challenged in the instant action. Defendants Brown and  
21 Harris further represent and stipulate that neither they nor the offices  
22 they hold have any responsibility for the collection, administration, or  
23 enforcement of the lien activation fees required under SB 863. *See* Cal.  
24 Labor Code § 4903.06.  
25 2. In reliance upon the representations in paragraph 1. above, Plaintiffs shall  
26 dismiss, without prejudice, Defendants Brown and Harris.  
27 3. In exchange for the dismissals of Defendants Brown and Harris,  
28 Defendants Baker, Caplane and Overpeck (collectively, "Remaining



Defendants") stipulate as follows:

(1) Remaining Defendants stipulate that the complaint has been filed in the correct venue and that they will not seek transfer of this action to another district for any reason, including without limitation by filing a motion pursuant to Fed. R. Civ. P. 12(b)(3), 28 U.S.C. § 1391, or 28 U.S.C. § 1404;

(2) Remaining Defendants stipulate that there has been no failure to join necessary parties pursuant to Fed. R. Civ. P. 19; and

(3) Remaining Defendants stipulate that the dismissed Defendants have no role in the enforcement of SB 863 and are not proper parties to this suit.

4. The Complaint was served on defendants Brown, Harris, Baker, Caplane, and Overpeck on July 30, 2013.

5. Based on that service date, responsive pleadings were first due to be filed and served on August 20, 2013. On August 16, 2013, the parties agreed to extend the date for Defendants to answer or otherwise respond to the Complaint by three days, to August 23, 2013, and on August 22, 2013, the parties agreed to extend the date for Defendants to answer or otherwise respond to the Complaint to August 28, 2013.

6. The parties now agree to extend the date for Defendants to answer or otherwise respond to the Complaint to September 12, 2013, in accordance with the briefing schedule set forth below.

#### **B. BRIEFING SCHEDULE**

7. Remaining Defendants intend to file a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

8. Because Plaintiffs hold workers' compensation liens that will be dismissed by operation of law on or before January 1, 2014, Plaintiffs

1 intend to file a motion for preliminary injunction.

2 9. Because many of the same legal issues will be raised in these motions,  
3 and because both parties desire a quick and efficient resolution of these  
4 issues prior to year's end, the parties stipulate that both the motion to  
5 dismiss and motion for preliminary injunction should be heard on the  
6 same date. Therefore, the parties stipulate and seek the Court's approval  
7 that: (a) the hearing on these motions shall take place on October 31,  
8 2013, and (b) that the parties comply with the following briefing  
9 schedule:

10 (1) Remaining Defendants' motion to dismiss and Plaintiffs' motion  
11 for preliminary injunction shall be filed on or before September  
12 12, 2013.

13 (2) Oppositions/Responses to the motion to dismiss and motion for  
14 preliminary injunction shall be filed on or before October 3, 2013.

15 (3) Reply briefs to the motion to dismiss and motion for preliminary  
16 injunction shall be filed on or before October 17, 2013.

17 10. A proposed order is attached hereto.

18 Dated: August 23, 2013 Respectfully submitted,

19 /s/ Harold Jackson  
20 Harold L. Jackson  
21 Attorneys for Defendants Edmund G. Brown Jr.,  
Christine Baker, Ronnie Caplane, and Destie  
Overpeck

22 Dated: August 23, 2013 /s/ Seth Goldstein  
23 Seth E. Goldstein  
24 Attorney for Defendant Kamala Harris

25 Dated: August 23, 2013 /s/ Sundeep Addy  
26 Sundeep K. (Rob) Addy  
27 Attorneys for Plaintiffs  
28



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANGELOTTI CHIROPRACTIC, INC.,  
MOONEY & SHAMSBOD  
CHIROPRACTIC, INC.,  
CHRISTINA-ARANA & ASSOCIATES,  
INC.,  
JOYCE ALTMAN INTERPRETERS,  
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SCANDOC IMAGING, INC., and  
BUENA VISTA MEDICAL SERVICES,  
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EDMUND G. BROWN, JR., *in his official  
capacity as Governor of California,*

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CHRISTINE BAKER, *in her official  
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RONNIE CAPLANE, *in her official  
capacity as Chair of the California  
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and

DESTIE OVERPECK, *in her official  
capacity as Acting Administrative  
Director of the California Division of  
Workers' Compensation,*

Defendants.

CASE NO.: SA CV 13-01139-GW  
(JEMx)

**[PROPOSED] ORDER**

Hon. George H. Wu

Upon consideration of the parties' stipulations and request and good cause  
appearing, the Court hereby:

1. Dismisses, without prejudice, Defendants Brown and Harris.
2. Orders the parties to follow the briefing schedule outlined below:

1 (1) Defendants' motion to dismiss and Plaintiffs' motion for preliminary  
2 injunction shall be filed on or before September 12, 2013.

3 (2) Oppositions/Responses to the motion to dismiss and motion for  
4 preliminary injunction shall be filed on or before October 3, 2013.

5 (3) Reply briefs to the motion to dismiss and motion for preliminary  
6 injunction shall be filed on or before October 17, 2013

7  
8 PURSUANT TO STIPULATION, IT IS SO  
9 ORDERED,

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11 DATED: \_\_\_\_\_

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13 Judge George H. Wu  
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