

1 XAVIER BECERRA, State Bar No. 118517
 Attorney General of California
 2 MICHAEL NEWMAN, State Bar No. 222993
 Senior Assistant Attorney General
 3 KATHLEEN BOERGERS, State Bar No. 213530
 Supervising Deputy Attorney General
 4 NELI N. PALMA, State Bar No. 203374
 KARLI EISENBERG, State Bar No. 281923
 5 STEPHANIE YU, State Bar No. 294405
 Deputy Attorneys General
 6 1300 I Street, Suite 125
 P.O. Box 944255
 7 Sacramento, CA 94244-2550
 Telephone: (916) 210-7522
 8 Fax: (916) 322-8288
 E-mail: Neli.Palma@doj.ca.gov
 9 *Attorneys for Plaintiff State of California, by and
 through Attorney General Xavier Becerra*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

13 CITY AND COUNTY OF SAN FRANCISCO,
 14 Plaintiff,
 15 vs.
 16 ALEX M. AZAR II, et al.,
 17 Defendants.

**JOINT ADMINISTRATIVE MOTION FOR
 RELIEF FROM AUTOMATIC REFERRAL
 TO THE ADR MULTI-OPTION PROGRAM**

Case No. 3:19-cv-02405-WHA

18 STATE OF CALIFORNIA, by and through
 ATTORNEY GENERAL XAVIER BECERRA,
 19 Plaintiff,
 20 vs.
 21 ALEX M. AZAR, et al.,
 22 Defendants.

Case No. 3:19-cv-02769-WHA

23 COUNTY OF SANTA CLARA et al.,
 24 Plaintiffs,
 25 vs.
 26 U.S. DEPARTMENT OF HEALTH AND
 HUMAN SERVICES, et al.,
 27 Defendants.

Case No. 5:19-cv-02916-WHA

1 **INTRODUCTION**

2 Pursuant to Civil Local Rule 7-11 and ADR Local Rule 3-3(c), the parties jointly request that
3 the Court excuse them from automatic mandatory participation in the Court’s Alternative Dispute
4 Resolution Multi-Option Program (“ADRMOP” or “Program”).

5 **DISCUSSION**

6 Counsel for the parties have reviewed the Court’s handbook entitled “Dispute Resolution
7 Procedures in the Northern District of California,” as well as the Court’s Alternative Dispute
8 Resolution (“ADR”) Local Rules. The parties have further conferred, and are in agreement that the
9 nature of the instant suit—which challenges validity of regulations promulgated by Defendants—
10 renders it a poor fit for inclusion in the Court’s Alternative Dispute Resolution Multi-Option Program
11 (“ADRMOP” or “Program”), in that the issues presented are not amenable to resolution by any of the
12 various processes offered by the ADRMOP. Accordingly, the parties respectfully and jointly request
13 relief from the Court’s automatic and mandatory referral to that Program, and specifically that their
14 participation in the ADRMOP be excused. The parties respectfully submit that the requested relief
15 will appropriately conserve the time and resources not only of the parties themselves, but also of the
16 staff of the Court’s ADR Unit.

17 **CONCLUSION**

18 For the reasons set forth above, the parties respectfully request that the Court grant their joint
19 administrative motion for relief from the ADRMOP.

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1 Respectfully submitted,

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3 Dated: July 1, 2019

4 JOSEPH H. HUNT
5 Assistant Attorney General

6 MICHELLE R. BENNETT
7 Assistant Branch Director
8 Civil Division

9 /s/ Benjamin T. Takemoto
10 REBECCA M. KOPPLIN
11 (CA Bar # 313970)
12 BENJAMIN T. TAKEMOTO
13 (CA Bar # 308075)
14 Trial Attorneys
15 United States Department of Justice
16 Civil Division, Federal Programs Branch
17 P.O. Box 883, Ben Franklin Station
18 Washington, DC 20044
19 Tel: (202) 532-4252
20 Fax: (202) 616-8460
21 E-mail: benjamin.takemoto@usdoj.gov

22 Attorneys for Defendants

23 By: /s/ Lee H. Rubin
24 LEE H. RUBIN (SBN 141331)
25 MAYER BROWN LLP
26 Two Palo Alto Square, Suite 300
27 3000 El Camino Real
28 Palo Alto, California 94306-2112
 Tel: (650) 331-2000
 Email: lrubin@mayerbrown.com

 Attorney for Plaintiffs County of Santa Clara,
 et al.

 Dated: July 1, 2019

 DENNIS J. HERRERA
 City Attorney

 By: /s/ Sara J. Eisenberg
 SARA J. EISENBERG
 Deputy City Attorney

 Attorneys for Plaintiff
 CITY AND COUNTY OF SAN FRANCISCO

 Dated: July 1, 2019

 XAVIER BECERRA
 Attorney General of California
 MICHAEL NEWMAN
 Senior Assistant Attorney General
 KATHLEEN BOERGERS
 Supervising Deputy Attorney General

/s/ Neli N. Palma

 NELI PALMA
 KARLI EISENBERG
 STEPHANIE YU
 Deputy Attorneys General
 Attorneys for Plaintiff State of California, by and
 through Attorney General Xavier Becerra

ATTESTATION OF SIGNATURES

I, Neli N. Palma, hereby attest, pursuant to Local Civil Rule 5-1(i)(3) of the Northern District of California that concurrence in the filing of this document has been obtained from each signatory hereto.

/s/ Neli N. Palma
Neli N. Palma
Deputy Attorneys General
Attorneys for Plaintiff State of California, by and through Attorney General Xavier Becerra

CERTIFICATE OF SERVICE

Case Name: State of California v. Alex M. Azar No. 4:19-cv-02769-HSG

I hereby certify that on July 1, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT ADMINISTRATIVE MOTION FOR RELIEF FROM AUTOMATIC REFERRAL TO THE ADR MULTI-OPTION PROGRAM;

[PROPOSED] ORDER GRANTING JOINT ADMINISTRATIVE MOTION FOR RELIEF FROM AUTOMATIC REFERRAL TO THE ADR MULTI-OPTION PROGRAM

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 1, 2019, at Sacramento, California.

Ashley Harrison

Declarant

/s/ Ashley Harrison

Signature

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA, BY AND THROUGH
ATTORNEY GENERAL XAVIER BECERRA,**

Plaintiff,

v.

**ALEX M. AZAR, IN HIS OFFICIAL CAPACITY
AS SECRETARY OF THE U.S. DEPARTMENT OF
HEALTH & HUMAN SERVICES; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; DOES 1-100,**

Defendants.

Case No. 3:19-cv-02769-WHA

**[PROPOSED] ORDER GRANTING
JOINT ADMINISTRATIVE MOTION
FOR RELIEF FROM AUTOMATIC
REFERRAL TO THE ADR MULTI-
OPTION PROGRAM**

The parties have filed a Joint Administrative Motion for Relief from Automatic Referral to the ADR Multi-Option Program. Having considered the parties’ motion and all materials submitted in relation thereto, and good cause having been shown,

IT IS HEREBY ORDERED that the parties’ Joint Administrative Motion for Relief from Automatic Referral to the ADR Multi-Option Program is GRANTED;

1 AND IT IS FURTHER ORDERED that the parties be, and they hereby are, excused from
2 mandatory participation in the Court's Alternative Dispute Resolution Multi-Option Program.

3 **IT IS SO ORDERED.**

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5 Dated: _____

The Honorable William Alsup

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