

FILED BY E-DELIVERY
ALAMEDA COUNTY

January 03, 2014 CM-110

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small></p> <p>Joshua Sondheimer (SBN 152000) Office of the Attorney General of the State of California 455 Golden Gate Avenue, Suite 11000</p> <p>TELEPHONE NO.: (415) 703-5615 FAX NO. (Optional): (415) 703-5480 E-MAIL ADDRESS (Optional): joshua.sondheimer@doj.ca.gov</p> <p><small>ATTORNEY FOR (Name):</small> Ronald Chapman, Dir. of Cal. Dept. Public Health</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</p> <p>STREET ADDRESS: 1225 Fallon Street</p> <p>MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:</p> <p>PLAINTIFF/PETITIONER: California Advocates for Nursing Home Reform DEFENDANT/RESPONDENT: Ronald Chapman, Dir. of Cal. Dept. of Public Health</p>	<p><small>FOR COUNTERCLAIM ONLY</small></p> <p>THE SUPERIOR COURT By Catherine Green, Deputy CASE NUMBER: RG13700100</p>
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)</p>	
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows:</p> <p>Date: January 15, 2014 Time: 1:30 p.m. Dept.: 31 Room:</p> <p>Address of court (if different from the address above): Department 31, U.S. Post Office Building, 201 Thirteenth Street, 2nd Floor, Oakland, CA 94612</p> <p><input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Joshua Sondheimer</p>	
<p style="text-align: right;">CASE NUMBER: RG13700100</p>	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. This statement is submitted by party (name): Respondent Ronald Chapman, Dir. of Cal. Dept. of Public Health
 - b. This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): November 5, 2013
 - b. The cross-complaint, if any, was filed on (date):

3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case:**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
Verified petition for writ of mandate, declaratory relief, and injunction asserting facial and as-applied challenges to Health & Safety Code section 1418.8.

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **CANHR et al v. Chapman, as Director of CDPH**

No.: **RG13700100**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On **January 2, 2014**, I served the attached **CASE MANAGEMENT STATEMENT** by placing a true copy thereof enclosed in a sealed envelope with the **GoldenState Overnight Courier Service**, addressed as follows:

- Morton P. Cohen, Esq.
Attorney at Law
536 Mission Street
San Francisco, CA 94105
- Amitai Schwartz, Esq.
Law Offices of Amitai Schwartz
Maira Duvernay, Esq.
2000 Powell Street, Suite 1286
Emeryville, CA 94608-1860

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 **January 2, 2014**, at **San Francisco, California**.

Staci Caston
Declarant

Signature

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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: January 2, 2014

Joshua Sondheimer
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.

- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:

Additional cases are described in Attachment 13a.

- b. A motion to consolidate coordinate will be filed by (name party):

14. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (describe all anticipated discovery):

Party	Description	Date
Respondent	Third Party Subpoenas	February 2013

- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
 Petitioners seek mandamus and declaratory relief based on allegations that Health & Safety Code section 1418.8 violates the privacy and due process rights of nursing facility residents by failing to provide sufficient procedural safeguards regarding determinations that a resident lacks capacity to provide informed consent, and because significant treatment decisions are made under the statute. Respondent denies the law violates resident rights.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**
 The party or parties request a jury trial a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**
 a. The trial has been set for (date):
 b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**
 The party or parties estimate that the trial will take (check one):

a. days (specify number):
 b. hours (short causes) (specify): 1 hour: petition for writ of mandamus

8. **Trial representation (to be answered for each party)**
 The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. E-mail address:
- Additional representation is described in Attachment 8.
- f. Fax number:
- g. Party represented:

9. **Preference**
 This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**
 a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (Specify exemption):