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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA,  
Plaintiff,  
v.  
ALEX AZAR, et al.,  
Defendants.

Case No. [19-cv-01184-EMC](#)

**ORDER DENYING PLAINTIFF’S  
MOTION TO BIFURCATE ISSUES  
AND SET SUMMARY ADJUDICATION  
SCHEDULE**

Docket No. 152

United States District Court  
Northern District of California

On October 8, 2019, Plaintiffs in *Essential Access Health, Inc. et al v. Azar II et al* (3:19-cv-01195-EMC) filed an Administrative Motion to Set Summary Judgment Briefing Schedule. *See* Docket No. 125 in *Essential Access*. On October 17, 2019, the Court denied Plaintiffs’ Motion. *See* Docket No. 128 in *Essential Access*. In that Order, the Court noted that “[p]rior to oral arguments at the Ninth Circuit, that court directed parties to ‘be prepared to discuss . . . the district courts’ preliminary injunction orders on the merits.’” *Id.* (quoting Ninth Circuit Order from August 1, 2019, Docket No. 111 in *Essential Access*). The Court also observed that “there is a significant likelihood that the Ninth Circuit may address the merits.” *Id.*

The State of California has now filed a Motion to Bifurcate Issues and Set Summary Adjudication Schedule or, Alternatively, Set Case Management Conference. *See* Docket No. 152 in *State of California*. Specifically, Plaintiff seeks to set a briefing schedule for summary adjudication of California’s Administrative Procedure Act claims, so that a merits determination can be reached in this case. *Id.* at 1, 3. As Defendants note in their Opposition to the Motion, “the Court’s [previous] order reflects the reality that a ruling by the Ninth Circuit is likely to provide substantial, if not dispositive, guidance to this Court and the parties in resolving [the] central

1 merits issues” of this case. *See* Opposition to Administrative Motion at 2, Docket No. 153 in *State*  
2 *of California*. In light of that fact, the Court **DENIES** Plaintiff’s Motion to Set Summary  
3 Judgment Briefing Schedule or Set Case Management Conference.

4 This order disposes of Docket No. 152.

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6 **IT IS SO ORDERED.**

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8 Dated: October 24, 2019

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11 EDWARD M. CHEN  
12 United States District Judge

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