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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

**JANE DOE; STEPHEN ALBRIGHT;  
AMERICAN KIDNEY FUND, INC.;**  
**and DIALYSIS PATIENT  
CITIZENS, INC.,**

Plaintiffs,

v.

**ROB BONTA, in his Official  
Capacity as Attorney General of  
California; RICARDO LARA in his  
Official Capacity as California  
Insurance Commissioner; MARY  
WATANABE in her official Capacity  
as Director of the California  
Department of Managed Health  
Care; and TOMAS ARAGON, in his  
Official Capacity as Director of the  
California Department of Public  
Health,**

Defendants.

8:19-cv-02105-DOC (ADSx)

**[PROPOSED] ORDER GRANTING  
MOTION FOR  
RECONSIDERATION OF A  
PORTION OF THE COURT'S  
ORDER ON SUMMARY  
JUDGMENT**

Date: April 8, 2024  
Time: 8:30 a.m.  
Courtroom: 9D  
Judge: The Honorable David O.  
Carter

Action Filed: November 1, 2019

1 Defendants' Motion for Reconsideration of a Portion of the Court's Order  
2 Granting Motions to Exclude, Denying Motion to Exclude, Granting in Part  
3 Defendants' Motion for Summary Judgment, and Granting in Part Plaintiffs'  
4 Motions for Summary Judgment (ECF No. 207) (Order), came for hearing on  
5 April 8, 2024. The State Defendants' motion was made pursuant to Federal Rule  
6 of Civil Procedure 60 and Local Rule 7-18, on the grounds that the portion of the  
7 Court's Order addressing the constitutionality of sections 3(c) and 5(c) of AB 290  
8 mistakenly suggested that the State Defendants did not respond to Plaintiffs'  
9 arguments regarding those sections. *See* Order at 43.

10 The Court, after reviewing Defendants' motion, and Plaintiffs' opposition,  
11 and having considered the related pleadings and argument from counsel, and good  
12 cause therefor appearing, GRANTS Defendants' limited motion for  
13 reconsideration. Because State Defendants clearly did respond to Plaintiffs'  
14 arguments, and because allowing this clear error to stand would work manifest  
15 injustice in rendering AB 290's reimbursement cap effectively inoperable, the  
16 Court hereby reconsiders this portion of its Order. *See School Dist. No. II,*  
17 *Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).  
18 Furthermore, the Court finds that Defendants have shown that these provisions are  
19 sufficiently tailored to achieve California's substantial interest in ensuring that the  
20 reimbursement cap is enforceable.

21 Accordingly, the Court hereby DENIES summary judgment in favor of  
22 Plaintiffs as to sections 3(c)(2) and 5(c)(2) of AB 290, and instead GRANTS  
23 summary judgment in favor of Defendants as to these provisions. All other  
24 portions of the Order remain unchanged.

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**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2024

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DAVID O. CARTER  
United States District Judge