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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RALPH COLEMAN, et al.,

11 Plaintiffs,

No. CIV S-90-0520 LKK JFM P

12 vs.

13 ARNOLD SCHWARZENEGGER,
14 et al.,

15 Defendants. /

ORDER

16 On January 4, 2010, the court ordered defendants to submit a new activation
17 schedule for the proposed DeWitt conversion project, which would reflect “patient admissions
18 completed to full occupancy by 2013.” Order Filed Jan. 4, 2010, ¶ 1.b. Said schedule was to be
19 submitted within 30 days. Defendants moved for reconsideration of this order, and the court
20 stayed the 30 day timeline for submission of a new activation schedule. Motion filed February 1,
21 2010 and Order filed February 12, 2010.

22 Defendants now withdraw their motion for reconsideration, and seek an additional
23 seven days in which to submit the DeWitt activation schedule required by the January 4 order.
24 Withdrawal filed March 22, 2010. Defendants represent that they will be able to achieve full
25 occupancy by 2013 by treating the DeWitt project “as part of a larger facility rather than as a
26 stand-alone facility.” Id. at 4. Counsel for defendants has informed the Special Master that the

1 “larger facility” refers to the California Health Care Facility (“CHCF”) proposed for construction
2 in unincorporated San Joaquin county. As the parties are aware, this facility is the subject of a
3 pending California Environmental Quality Act (“CEQA”) suit. Greater Stockton Chamber of
4 Commerce, et al., v. Kelso, et al., No. Civ. 09-3308 (E.D. Cal.). Defendants are cautioned that
5 the activation schedule called for by the January 4, 2010 order must account for the possibility of
6 such a delay. In other words, the court expects DeWitt to be fully occupied by 2013 regardless of
7 what befalls the CHCF proposal.

8 With this warning, the court grants defendants’ request for an additional seven
9 days. Accordingly, the hearing on the motion for reconsideration filed February 1, 2010 is
10 VACATED. Defendants SHALL, within seven (7) days of this order, submit the DeWitt
11 activation schedule required by this court’s order filed January 4, 2010. The status conference set
12 by this court’s January 27, 2010 order remains on calendar.

13 DATED: March 24, 2010

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16 /s/ Lawrence K. Karlton
17 LAWRENCE K. KARLTON
18 SENIOR JUDGE
19 UNITED STATES DISTRICT COURT
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