

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

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

ORDER

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

Defendants now withdraw their motion for reconsideration, and seek an additional seven days in which to submit the DeWitt activation schedule required by the January 4 order. Withdrawal filed March 22, 2010. Defendants represent that they will be able to achieve full occupancy by 2013 by treating the DeWitt project “as part of a larger facility rather than as a 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

14  
15 /s/ Lawrence K. Karlton  
16 LAWRENCE K. KARLTON  
17 SENIOR JUDGE  
18 UNITED STATES DISTRICT COURT  
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