

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMY DOESCHER, STEVE DOESCHER,
DANIELLE JONES, KAMRON JONES,
RENEE PATTERSON, and DR. SEAN
PATTERSON, individually and on behalf of
their minor children,

Plaintiffs,

v.

TOMÁS ARAGÓN, in his official capacity as
Department of Public Health Director and as
the State Public Health Officer,

Defendant.

Case No. 2:23-cv-02995-KJM-JDP

ORDER

Having reviewed the parties' Joint Motion for Administrative Relief to: (1) Substitute Proper Defendant; (2) Set Supplemental Briefing Schedule re: Decision in Royce v. Pan; and (3) Continue Hearing on Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint for Declaratory and Injunctive Relief to June 5, 2025, and good cause appearing, the Joint Motion is **GRANTED**.

The Court finds that:

1. Plaintiffs filed their operative Second Amended Complaint on December 9, 2024 (ECF No. 35);

2. Defendant filed his motion to dismiss the Second Amended Complaint under Federal Rule of Civil Procedure 12 on January 27, 2025 (ECF No. 38);

3. Plaintiffs filed their opposition to Defendant's motion to dismiss on February 24, 2025 (ECF No. 39);

4. Defendant filed his reply to Plaintiffs' opposition to Defendant's motion to dismiss on March 10, 2025, and further noted that Dr. Erica Pan had superseded Tomás Aragón as the Director of the California Department of Public Health and State Public Health Officer (ECF No. 42);

5. On March 12, 2025, this Court issued an order directing the parties to be prepared to discuss at the scheduled April 17, 2025 hearing whether this Court should: (a) order this action stayed under the first-to-file rule; (b) order the case transferred to the Southern District of California; or (c) reserve its decision on Defendant's motion to dismiss pending a decision by the Southern District court's order in *Royce* (ECF No. 43);

6. On March 17, 2025, the Southern District issued its order in *Royce v. Pan*, No. 3:23-CV-02012-H-BLM, 2025 WL 834769 (S.D. Cal. Mar. 17, 2025) (*Royce*) granting Defendant's motion to dismiss without leave to amend; and

7. On March 21, 2025, Defendant filed his Notice of Supplemental Authority to alert this Court that the order in *Royce* had been entered, that Plaintiffs' counsel was out of the country at the time of the notice and therefore the parties had not yet been able to meet and confer regarding potential supplemental briefing, and that Defendant's counsel now had a calendar conflict for the scheduled April 17, 2025, hearing (ECF No. 44).

The Court hereby **orders** as follows:

- Pursuant to Federal Rule of Civil Procedure 25(d), Dr. Erica Pan in her official capacity as Director of the California Department of Public Health and State Public Health Officer is hereby ordered substituted as Defendant in place of Tomás Aragón. *See Royce*, 2025 WL 834769, at *1, n.1 (S.D. Cal. Mar. 17, 2025).

- The parties will have until **April 25, 2025**, to file simultaneous supplemental briefs, not to exceed 10 pages, addressing the impact of the decision in *Royce*, if any, on the present case.
- The parties will have until **May 16, 2025**, to file simultaneous supplemental reply briefs, not to exceed 5 pages, responding to the supplemental arguments addressing the decision in *Royce*.
- The hearing on Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint is hereby continued from April 17, 2025, at 9:00 a.m. in Courtroom 3 to **June 5, 2025, at 10:00 a.m. in Courtroom 3.**

IT IS SO ORDERED.

DATED: April 7, 2025.



UNITED STATES DISTRICT JUDGE