

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Doescher v. Aragon

Doescher · No. 2:23-cv-02995-KJM-JDP · Decided April 7, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the parties' joint motion for administrative relief. The order substitutes Dr. Erica Pan for Tomás Aragón under Federal Rule of Civil Procedure 25(d), establishes supplemental briefing deadlines concerning Royce v. Pan, and continues the hearing on the motion to dismiss to June 5, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 7, 2025
DOCKET	2:23-cv-02995-KJM-JDP
DISPOSITION	other
PROCEDURAL POSTURE	The court granted the parties' joint motion to substitute the proper official defendant, establish supplemental briefing concerning Royce v. Pan, and continue the hearing on defendant's Rule 12 motion to dismiss.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- administrative law

PRACTICE AREAS

- civil procedure
- administrative law
- health law

QUESTIONS PRESENTED

- Whether Dr. Erica Pan should be substituted for Tomás Aragón as the official-capacity defendant under Federal Rule of Civil Procedure 25(d).
- Whether the parties should receive supplemental briefing concerning the impact of Royce v. Pan on the pending motion to dismiss.

3. Whether the hearing on defendant's motion to dismiss should be continued.

HOLDINGS

1. Under Federal Rule of Civil Procedure 25(d), Dr. Erica Pan was properly substituted in her official capacities as Director of the California Department of Public Health and State Public Health Officer in place of Tomás Aragón.
2. The parties were permitted to file simultaneous supplemental briefs and replies addressing the effect, if any, of *Royce v. Pan* on the pending motion to dismiss, and the hearing was continued.

KEY QUOTATIONS

“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.” (at 2)

FACTUAL BACKGROUND

Plaintiffs brought an action for declaratory and injunctive relief against Tomás Aragón in his official capacities as Director of the California Department of Public Health and State Public Health Officer. During the briefing of defendant's motion to dismiss, Dr. Erica Pan superseded Aragón in those offices. The court also considered the Southern District of California's intervening decision in *Royce v. Pan*, which dismissed a related action without leave to amend.

PROCEDURAL HISTORY

Plaintiffs filed their Second Amended Complaint on December 9, 2024. Defendant moved to dismiss under Federal Rule of Civil Procedure 12, and the parties completed the initial briefing. After learning that Erica Pan had superseded Tomás Aragón as the relevant California public-health official and after the Southern District of California issued *Royce v. Pan*, the parties jointly sought substitution, supplemental briefing, and a continuance. The court granted the joint motion, substituted Dr. Erica Pan, set supplemental briefing deadlines, and continued the motion-to-dismiss hearing to June 5, 2025.

DISPOSITION

other

CASES CITED

- *Royce v. Pan*, No. 3:23-CV-02012-H-BLM, 2025 WL 834769 (S.D. Cal. Mar. 17, 2025)

OPINION

Doescher v. Aragon

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 AMY DOESCHER, STEVE DOESCHER, Case No. 2:23-cv-02995-KJM-JDP

DANIELLE JONES, KAMRON JONES,

12 RENEE PATTERSON, and DR. SEAN ORDER

PATTERSON, individually and on behalf of 13 their minor children, 14 Plaintiffs, 15 v. 16
TOMÁS ARAGÓN, in his official capacity as Department of Public Health Director and as 17 the
State Public Health Officer, 18 Defendant. 19 20 Having reviewed the parties' Joint Motion for
Administrative Relief to: (1) Substitute 21 Proper Defendant; (2) Set Supplemental Briefing
Schedule re: Decision in Royce v. Pan; and (3) 22 Continue Hearing on Defendant's Motion to
Dismiss Plaintiffs' Second Amended Complaint for 23 Declaratory and Injunctive Relief to June 5,
2025, and good cause appearing, the Joint Motion is 24 GRANTED. 25 The Court finds that: 26 1.
Plaintiffs filed their operative Second Amended Complaint on December 9, 2024 27 (ECF No.
35); 28 1 2. Defendant filed his motion to dismiss the Second Amended Complaint under Federal
2 Rule of Civil Procedure 12 on January 27, 2025 (ECF No. 38); 3 3. Plaintiffs filed their
opposition to Defendant's motion to dismiss on February 24, 4 2025 (ECF No. 39); 5 4. Defendant
filed his reply to Plaintiffs' opposition to Defendant's motion to dismiss on

6 March 10, 2025, and further noted that Dr. Erica Pan had superseded Tomás Aragón as the
7 Director of the California Department of Public Health and State Public Health Officer (ECF
No. 8 42); 9 5. On March 12, 2025, this Court issued an order directing the parties to be prepared
to 10 discuss at the scheduled April 17, 2025 hearing whether this Court should: (a) order this
action 11 stayed under the first-to-file rule; (b) order the case transferred to the Southern District
of 12 California; or (c) reserve its decision on Defendant's motion to dismiss pending a decision
by the 13 Southern District court's order in Royce (ECF No. 43); 14 6. On March 17, 2025, the
Southern District issued its order in Royce v. Pan, No. 3:23- 15 CV-02012-H-BLM, 2025 WL
834769 (S.D. Cal. Mar. 17, 2025) (Royce) granting Defendant's 16 motion to dismiss without
leave to amend; and 17 7. On March 21, 2025, Defendant filed his Notice of Supplemental
Authority to alert 18 this Court that the order in Royce had been entered, that Plaintiffs' counsel
was out of the country 19 at the time of the notice and therefore the parties had not yet been able to
meet and confer 20 regarding potential supplemental briefing, and that Defendant's counsel now
had a calendar 21 conflict for the scheduled April 17, 2025, hearing (ECF No. 44). 22 The Court
hereby orders as follows: 23 Pursuant to Federal Rule of Civil Procedure 25(d), Dr. Erica Pan in
her official 24 capacity as Director of the California Department of Public Health and State Public
25 Health Officer is hereby ordered substituted as Defendant in place of Tomás 26 Aragón. See
Royce, 2025 WL 834769, at *1, n.1 (S.D. Cal. Mar. 17, 2025). 27 28 1 e The parties will have
until April 25, 2025, to file simultaneous supplemental briefs, 2 not to exceed 10 pages, addressing
the impact of the decision in Royce, if any, on 3 the present case. 4 e The parties will have until
May 16, 2025, to file simultaneous supplemental reply 5 briefs, not to exceed 5 pages, responding

to the supplemental arguments addressing 6 the decision in Royce. 7 e The hearing on Defendant's Motion to Dismiss Plaintiffs' Second Amended 8 Complaint is hereby continued from April 17, 2025, at 9:00 a.m. in Courtroom 3 to

9 June 5, 2025, at 10:00 a.m. in Courtroom 3.

10 IT IS SO ORDERED. 11 | DATED: April 7, 2025. 13 a VM

STATES DISTRICT JUDGE

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