

**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

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 Erica Pan had superseded Tomás Aragón as the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 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28