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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

VANGUARD MEDICAL
MANAGEMENT BILLING, INC.,
a California corporation; ONE-
STOP MULTI-SPECIALTY
MEDICAL GROUP, INC., a
California corporation; ONE-STOP
MULTI-SPECIALTY MEDICAL
GROUP & THERAPY, INC., a
California corporation; NOR CAL
PAIN MANAGEMENT
MEDICAL GROUP, INC., a
California corporation; EDUARDO
ANGUIZOLA, M.D., an
individual, and DAVID
GOODRICH, in his capacity as
Chapter 11 Trustee,

Plaintiffs,

vs.

CHRISTINE BAKER, in her
official capacity as Director of the
California Department of Industrial
Relations; GEORGE PARISOTTO,
in his official capacity as Acting
Administrative Director of the
California Division of Workers
Compensation; and DOES 1
through 10, inclusive.

Defendants.

Case No. **17-cv-00965-GW-DTB**

**PLAINTIFFS' BRIEF RE
ADDITIONAL EVIDENCE AND
FINAL HEARING ON
PRELIMINARY INJUNCTION**

Hearing Information:

Date: TBA

Time: TBA

Place: United States Courthouse,
350 West 1st Street, Los
Angeles, CA 90012,
Courtroom D, 9th Floor

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12 *Nor Cal Pain Management Medical*
13 *Group, Inc., and Eduardo Anguizola, M.D.*

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23 *Chapter 11 Trustee*

**PLAINTIFFS' BRIEF RE ADDITIONAL EVIDENCE
AND FINAL HEARING ON PRELIMINARY INJUNCTION**

Despite the clarity of the issues – a facial challenge to Labor Code 4615 as devoid of due process -- and this Court's clear directive that anecdotal evidence of how the State claims to provide due process to those affected by the statute would *not* be considered – the State injected anecdotal and improper evidence to the Court through the Declaration of Paige Levy, resulting in the view that this Court might also considered Plaintiff's facial constitutional challenge as an *as-applied* challenge. Notwithstanding that the Court already provided the State and opportunity to explain any due process contained in Labor Code 4615 or any regulations promulgated (there are none), the State confused the issues by providing anecdotal evidence that the WCAB Judges might ignore the clear mandate of the California Legislature. The Court asked the parties to provide their views on how the Court would receive further evidence responding to the Court's queries and the pending Motion for Preliminary Injunction.

Plaintiffs' proposal for the Court's taking of evidence relative to the constitutional challenges to Section 4615 is as follows:

1. The Court grants an expedited right to third-party discovery prior to the holding of a live evidentiary hearing on the Motion for a Preliminary Injunction, permitting third party subpoenas to be issued;¹ (see Fed. R. Civ. Proc. 26(d)(1) Advisory Comment suggesting expedited discovery appropriate in cases involving a request for preliminary injunction);

¹ It is essential that the Plaintiffs obtain certain information from third parties to be able to effectively cross-examine, for instance Paige Levy. On July 13, 2017, *before* her declaration was drafted and submitted to this Court, Judge Levy spoke at a conference on Senate Bill 1160's alleged fraud reforms. Without subpoena power, Plaintiffs will likely be unable to obtain the videotapes of Judge's Levy's highly relevant presentation, as just one example of the importance of the subpoena power.

1 2. The Plaintiffs submit written declarations that respond directly to the
2 issues raised by the Declaration of Paige Levy by September 9, 2017.

3 3. The Court hold a live evidentiary hearing on the preliminary
4 injunction where the Plaintiffs will cross-examine Paige Levy, and the State may
5 cross examine the Plaintiffs' declarants, pursuant to Local Rule 7-8. (This brief
6 serves as the Plaintiffs' formal request and notice to cross-examine Paige Levy,
7 pursuant to Local Rule 7-8.)²

8 4. Plaintiffs will agree that the further hearing should be set the week of
9 September 25, 2017, but ask that it be set on one of the Court's regular non-
10 calendar days.

11
12 Dated: August 25, 2017

THE ARMENTA LAW FIRM APC

13
14 By: /s/ M. Cris Armenta
15 Attorneys for Vanguard Medical
16 Management Billing, Inc., One Stop
17 Multi-Specialty Medical Group, Inc.,
18 One Stop Multi- Specialty Medical
Group & Therapy, Inc., Nor Cal Pain
Management Medical Group, Inc., and
Eduardo Anguizola, M.D.

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20
21
22 _____
23 ² Plaintiffs find it curious that the State proffers Judge Levy's declaration as
24 proof that the State has provided due process under Labor Code Section 4615
25 making her a key witness, but resist providing her for deposition or even cross-
26 examination at a hearing. (Docket 46 at 3:13-16). Plaintiffs are prepared to offer
27 witnesses and declarations to show that Judge Levy's declaration is inaccurate in
every material fashion, and also show to the Court's satisfaction that Labor Code
Section 4615 on its face, *and* as applied, violate both procedural and substantive due
process and should be stricken down.