

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 19-00835 JVS (DFM)

Date 2/24/21

Title Fisher and Paykel Healthcare Limited v. Flexicare Incorporated

Present: The  
Honorable

**James V. Selna, U.S. District Court Judge**

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** **[IN CHAMBERS]** Order Regarding Motion to Continue Trial

Fisher & Paykel Healthcare Limited (“Fisher”) moves to continue the present June 1, 2021 trial date. (Docket No. 289.) Defendants Flexicare Incorporated, Flexicare Medical Limited, and Flexicare (Group) Limited (collectively, “Flexicare”) oppose the motion. (Docket No. 290.)

Practical circumstances compel granting the Motion.

Orange County is presently in the purple zone. See Ex. A. The County would have to move two zones to the yellow zone before the Court would begin conducting jury trials under the present General Order. That is unrealistic in light of the present trial date.

Several other factors compel a continuance. Criminal cases take priority under the Speedy Trial Act. This Court has not tried a criminal case in over a year, and there is obviously a backlog which must be addressed once the Court opens for jury trials. Moreover, there are many civil cases older than this case in the queue to be tried. There is no basis to advance this case ahead of other civil litigants who have also been waiting to go to trial.

Finally, there is a seven-week lead time to summons a jury.

The Court grants the Motion to continue the trial to October 12, 2021 and all other dates accordingly.<sup>1</sup> The Court must candidly advise the parties that there is no assurance that

<sup>1</sup>The Court is not available on October 5, 2021.

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the trial will proceed on that date for the reasons outlined above.

The Court regrets the present circumstances and ask for the parties' patience,

The March 15, 2021 hearing is vacated.

Initials of Preparer

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lmb : \_\_\_\_\_  
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UNITED STATES DISTRICT COURT  
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**CIVIL MINUTES - GENERAL**

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# Exhibit A

**California's Blueprint County Tier Assignments and Data for the District's Counties<sup>1</sup>**

Legend	County Status			Adjusted Case Rate per 100,000 (7-day average with 7-day lag)		Testing Positivity (7-day average with 7-day lag)		Health Equity Framework Week Feb. 7 – Feb. 13				
	County & Tier Status as of Feb. 23	First Date in Current Tier	Number of Consecutive Weeks Meeting Criteria for Less Restrictive Tier	Number of Consecutive Weeks Meeting Criteria for More Restrictive Tier	Week Jan. 31 – Feb. 6	Week Feb. 7 – Feb. 13	Week Jan. 31 – Feb. 6	Week Feb. 7 – Feb. 13	Health Equity Quartile Testing Positivity (7-day average with 7-day lag)	Health Equity Quartile Within Threshold for Less Restrictive Tier	Number of Consecutive Weeks Meeting Health Equity Criteria to Move to Less Restrictive Tier	Meets Accelerated Health Equity Criteria; If So, Number of Consecutive Weeks Towards Movement to Less Restrictive Tier
Purple Tier 1	Los Angeles	8/31/20	0	-	20.0	12.3	7.2%	5.1%	7.5%	Yes	1	No
Red Tier 2	Orange	11/16/20	0	-	20.7	11.9	7.8%	5.4%	7.0%	Yes	1	No
Orange Tier 3	Riverside	10/19/20	0	-	28.8	16.6	11.0%	7.6%	8.3%	No	0	No
Yellow Tier 4	San Bernardino	8/31/20	0	-	24.4	15.2	8.2%	6.1%	7.1%	Yes	1	No
	San Luis Obispo	11/16/20	1	-	15.6	9.4	4.3%	3.2%	3.8%	Yes	6	Yes; 1
	Santa Barbara	11/16/20	0	-	27.0	16.9	8.2%	6.0%	9.7%	No	0	No
	Ventura	11/16/20	0	-	26.2	16.9	8.0%	5.8%	8.7%	No	0	No

<sup>1</sup> Prison cases are excluded from all metrics. The numbers in this chart are from the California Blueprint Data Charts that were released on [February 16, 2021](#) and [February 23, 2021](#).