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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

AMERICA'S FINEST MEDICAL
TRANSPORTATION, INC.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH
SERVICES,

Real Party in Interest.

F071084

(Fresno Super. Ct. No. 14CECG01994)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for writ of mandate. Carlos A. Cabrera,
Judge.

Doyle & Fortune, David Douglas Doyle, for Petitioner.

No appearance for Respondent.

* Before Hill, P.J., Cornell, J., and Franson, J.

Kamala D. Harris, Attorney General, Julie Weng-Gutierrez, Assistant Attorney General, and Ismael A. Castro, Deputy Attorney General, for Real Party in Interest.

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On January 22, 2015, petitioner America's Finest Medical Transportation, Inc., a provider of non-emergency medical transport who is enrolled as a provider in the Medi-Cal program, filed a petition for writ of mandate in the Fresno County Superior Court seeking review of the Department of Health Care Services' order deactivating petitioner's provider number. Upon petitioner's request, the trial court stayed the deactivation several times both before and after petitioner's filing of the petition for writ of mandate in that court. On February 25, 2015, the trial court denied the motion to continue the stay pending trial then scheduled for April 22, 2015. The court, however stayed the deactivation until March 6, 2015, to allow petitioner to seek extraordinary relief in this court.

On March 5, 2015, petitioner filed the above entitled petition seeking, inter alia, peremptory relief asking this court to direct the trial court to vacate its order denying the request for a stay pending resolution of the superior court action and enter a new order granting the stay.

On March 6, 2015, this court issued an order staying the deactivation of petitioner's provider number and soliciting an informal response. Said order was collateral to the pending trial in the superior court.

On or around April 27, 2015, it came to this court's attention that the matter had been taken off calendar in the superior court.

DISPOSITION

Let a peremptory writ of mandate issue directing the trial court to vacate its order denying the request to stay the deactivation of petitioner's Medi-Cal provider number pending trial and issue a new order granting the stay. This court's March 6, 2015, order staying deactivation of petitioner's provider number shall remain in effect pending the

superior court's compliance with this directive, the completion of trial on the merits, or an order by the California Supreme Court granting a petition for review, whichever shall occur first. Thereafter, the stay is vacated.

Nothing in this court's peremptory grant is intended to stay the trial, which was originally set for April 22, 2015. The issue of the stay of the deactivation of petitioner's Medi-Cal provider number is collateral to the underlying proceeding.

Each party to bear their own costs.