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IN THE MATTER OF THE ARBITRATION BETWEEN

Claimant(s),
vs.
Respondent(s).

No. 14790

~~PROPOSED~~ ORDER AND AWARD
RE: RESPONDENT'S MOTION FOR
JUDGMENT ON THE PLEADINGS

DATE: 7/19/17
TIME: 10:00 a.m.
VIA TELEPHONIC CONFERENCE
Call In No.:
Access Code: 1576045#

ARBITRATION DATE: NONE SET
ACTION INITIATED: 05/01/2017

Respondent Motion for
Judgment on the Pleadings came on regularly for telephonic hearing
before the Neutral Arbitrator, the Hon. Margaret M. Grignon
(Ret.), on July 19, 2017, at 10:00 a.m., and it was suspended at
10:20 a.m. Appearance was made by Esq. for
Respondent No appearance was
made by *in propria persona* Claimant Spanish/English
interpreter was in attendance.

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1 The telephonic hearing was resumed at 11:00 a.m. with
2 Claimant's appearance and participation.

3 Respondent's moving papers were served on June 20, 2017.
4 Claimant submitted written correspondence to the Neutral
5 Arbitrator on June 30, 2017 and a timely written Opposition to the
6 moving papers on July 5, 2017. The foregoing documents were
7 reviewed by the Neutral Arbitrator, along with Spanish to English
8 translations of the Demand for Arbitration, Claimant's June 30,
9 2017 correspondence, and Claimant's Opposition.

10 Oral argument by Claimant and Respondent's counsel were
11 presented, inquiry was made to both parties by the Neutral
12 Arbitrator, and the proceedings were interpreted by Mr.

13 After full consideration of the aforementioned documents and
14 all oral arguments, the Neutral Arbitrator finds that the Demand
15 for Arbitration of Claimant of May 1, 2017, fails to
16 state facts sufficient to constitute a cause of action against
17 Respondent, as the Demand for Arbitration was served after the
18 running of the applicable statute of limitations. (California
19 Code of Civil Procedure, Section 340.5).

20 Respondent was ordered to prepare an amended [Proposed] Order
21 and Award.

22 The telephonic hearing concluded at 11:44 a.m.

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1 **IT IS ORDERED**, that the Motion for Judgment on the Pleadings
2 is granted without leave to amend and an Award is entered
3 forthwith as requested in said Motion in favor of Respondent,
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5 Nothing in this arbitration decision prohibits or restricts
6 the enrollee from discussing or reporting the underlying
7 facts, results, terms and conditions of this decision to the
8 Department of Managed Health Care.

9 DATED:

10 7-21-17

Margaret M. Grignon

11 Hon. Margaret M. Grignon (Ret.),
12 Neutral Arbitrator
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