

1 GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY, LLP
 2 ROBERT A. GOODIN, State Bar No. 061302
 3 ANNE HAYES HARTMAN, State Bar No. 184556
 4 505 Sansome Street, Suite 900
 5 San Francisco, California 94111
 6 Telephone: (415) 392-7900
 7 Facsimile: (415) 398-4321

8 Attorneys for Plaintiff and Cross-Defendant
 9 Gary HALL, D.C.

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 Gary HALL, D.C., an individual; et al.,

13 Plaintiffs,

14 v.

15 LASER THERAPY PRODUCTS LLC, et al.

16 Defendants.

17 LASER THERAPY PRODUCTS LLC,

18 Cross-Complainant,

19 v.

20 Gary HALL, D.C., et al.,

21 Cross-Defendants.

No. 1:08-CV-01905-LJO-SMS

**STIPULATION AND ORDER TO
CONTINUE MANDATORY
SCHEDULING CONFERENCE**

Date: February 10, 2009

Time: 8:30 a.m.

Dept.: 7, Hon. Sandra M. Snyder

STIPULATION

23 WHEREAS, this matter was set for an initial mandatory scheduling conference
 24 when it was first removed to this Court from the Superior Court for the County of Stanislaus;

25 WHEREAS, the mandatory scheduling conference is currently set for the date set
 26 forth above;

27 WHEREAS, Plaintiffs have filed a motion to remand this action, contesting the
 28 subject matter jurisdiction of this Court, and that motion has been set for hearing of February 10,

STIP AND PROPOSED ORDER
TO CONTINUE MSC

(No. 1:08-CV-01905-LJO-SMS)

1 2009,

2 WHEREAS, Plaintiff and counter-defendant Dr. Gary Hall has also filed, in the
3 alternative to the motion to remand, a motion to dismiss the counterclaim of defendant and
4 counterclaimant Laser Therapy Products, LLC, which motion is also set for hearing of February
5 10, 2009;

6 WHEREAS, defendant and counterclaimant Laser Therapy Products, LLC, has
7 filed motions to transfer this action to the Middle District of Tennessee pursuant to 28 U.S.C.
8 § 1404(a), and for judgment on the pleadings, which motions have also been set for hearing on
9 February 10, 2009;

10 WHEREAS, defendant J. Rod McGinnis has not yet appeared in this action, but is
11 anticipated to soon do so;

12 WHEREAS, resolution of the currently-pending motions may remove this action
13 from the federal courts entirely, transfer it to a different district, and/or significantly alter the
14 scope of the claims asserted;

15 WHEREAS, the parties have met and conferred pursuant to Rule 26(f) of the
16 Federal Rules of Civil Procedure; and

17 WHEREAS, the parties agree that it is in the interest of justice and judicial
18 economy to continue the Mandatory Scheduling Conference until a date after resolution, or
19 further development, on the currently pending motions;

20 NOW THEREFORE, IT IS STIPULATED BETWEEN THE PARTIES HERETO,

21 1. Plaintiffs and defendants jointly request that the Mandatory Scheduling
22 Conference in this matter be continued to a date on or after March 10, 2009.

1 Dated: January 28, 2009

GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP

2
3 By/s/ Robert A. Goodin

4 Robert A. Goodin
5 Attorneys for Plaintiffs and Cross-Defendants
6 Laser Therapy West, Inc., Kenn Alldrin, and
Gary Hall, D.C.

7 Dated: January 28, 2009

DOLL AMIR & ELEY LLP

8
9 By/s/ Hunter R. Eley (as authorized on 1/28/09)

10 Hunter R. Eley
11 Attorneys for Defendant and Counterclaimant
12 Laser Therapy Products, LLC and Defendant J.
Rod McGinnis, D.C.

13 **ORDER**

14 Upon the stipulation of the parties as set forth above, and good cause appearing,

15 IT IS HEREBY ORDERED that the Mandatory Scheduling Conference in this
16 matter is continued from February 10, 2009 to March 10, 2009, at 9:00 a.m. (not 8:30am), in
17 Department 7 of the above-captioned court.

18 Dated: January 29, 2009

19
20 /s/ Sandra M. Snyder

21 SANDRA M. SNYDER
22 U.S. Magistrate Judge

23 3370/001/X106392.v1
24
25
26
27
28