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17			
18	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA		
19			
20	CENTRE FOR NEURO SKILLS,	Case No.: 11-cv-1302 AWI-JLT	
21	Plaintiff,	STIPULATED REQUEST AND ORDER	
22	v.	VACATING THE JANUARY 19, 2012 SETTLEMENT CONFERENCE AND	
23	WILLIAM McKNIGHT; BLUE CROSS	CONTINUING THE MID-DISCOVERY STATUS CONFERENCE TO JANUARY	
24	BLUE SHIELD OF OKLAHOMA; DOES 1 ) through 30,	23, 2012	
25	Defendants.		
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28	///		

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## **STIPULATION**

Plaintiff Centre for Neuro Skills ("CNS") and Defendants Blue Cross Blue Shield of Oklahoma ("BCBSOK") and William H. McKnight ("McKnight") respectfully request that the Court vacate the January 19, 2012 Settlement Conference on the ground that the case is not yet is a position in which settlement discussions would be meaningful or productive. Additionally, Counsel for BCBSOK & the Plan is unavailable on January 19, 2012 because he has depositions scheduled to take place in San Francisco on January 18 and 19, 2012. A representative from his Texas-based client is being deposed, as is the plaintiff in the case. Because the travel arrangements for those depositions have already been made, they cannot be rescheduled without severely inconveniencing multiple parties.

To refresh the Court's recollection regarding the specifics of this case, this is a dispute regarding payment for the medical care rendered to Charlene McKnight, who was a beneficiary of McKnight. McKnight, who is a pro se litigant, acknowledged in the Joint Scheduling Report that BCBSOK sent checks to him to pay for the medical care CNS rendered to Charlene McKnight, that he cashed those checks, and that he used the funds from the checks for purposes other than paying CNS.

McKnight represents that he has been unemployed for a period of time, but that he is currently in a job training program with Shell Oil that might lead to a permanent position. He also represents that he will not be able to put funds forward to settle this dispute if he is not hired by Shell or another employer. Logically, it is in his best interests, and the interests of the other Parties to this case, that he complete the training and secure a permanent position. Mr. McKnight anticipates that he will have more information about his job prospects in March 2012, and the parties can revisit the possibility of participating in a settlement conference at that time.

For the above stated reasons, the Parties respectfully submit this Stipulated Request to Vacate the January 19, 2012 Settlement Conference. Additionally, because Mr. McKnight and counsel for BCBSOK and the Plan are unavailable on January 19, 2012, the parties request that the Mid-Discovery Status Conference be continued by four days to Monday, January 23, 2012

1	at a time convenient for the Court.		
2	IT IS SO STIPULATED:		
3	Date: January 17, 2012 LAW OFFICES OF JOHN C. HALL		
4			
5	By: /S/ John C. Hall John C. Hall		
6	Attorneys for Plaintiff		
7	CENTRE FOR NUERO SKILLS		
8 9	Date: January 17, 2012 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP		
10	By: <u>/S/ Donald P. Sullivan</u> Donald P. Sullivan		
11	Attorneys for Defendant		
12	BLUE ČROSS BLUE SHIELD OF OKLAHOMA		
13 14	Date: January 17, 2012 By: /S/ William H. McKnight		
15	William H. McKnight		
16	In propria persona		
17	ORDER		
18	For the reasons stated in the Parties' stipulation and good cause appearing, the Court		
19	<b>ORDERS</b> the settlement conference currently set on January 19, 2012 to be <b>VACATED</b> .		
20	Likewise, the telephonic Mid-Discovery Status Conference will be <b>CONTINUED</b> to January		
21	23, 2012 at 9:30 a.m.		
22			
23	IT IS SO ORDERED.		
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25	Dated: January 18, 2012 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE		
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28	3		
	Stip. and Order Vacating Settlement Conf. and Continuing Status Conf.		