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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12

13 **VALLEY VIEW HEALTH CARE INC. DBA**
14 **RIVERBANK NURSING CENTER; THE**
15 **STONEBROOK CONVALESCENT**
16 **CENTER, INC. DBA STONEBROOK**
17 **HEALTHCARE CENTER; LIFEHOUSE**
18 **PARKVIEW OPERATIONS, LLC DBA**
19 **PARKVIEW HEALTHCARE CENTER;**
20 **BEVERLY HEALTHCARE - CALIFORNIA,**
21 **INC. DBA GOLDEN LIVING CENTER-**
22 **FRESNO; CF MODESTO, LLC DBA**
23 **COUNTRY VILLA MODESTO NURSING &**
24 **REHABILITATION CENTER; AVALON**
25 **CARE CENTER - MERCED FRANCISCAN,**
26 **L.L.C. DBA FRANCISCAN**
27 **CONVALESCENT HOSPITAL; AND THE**
28 **CALIFORNIA ASSOCIATION OF HEALTH**
FACILITIES,

Plaintiffs,

v.

24 **RONALD CHAPMAN, M.D., DIRECTOR OF**
25 **THE CALIFORNIA DEPARTMENT OF**
26 **PUBLIC HEALTH, THE CALIFORNIA**
27 **DEPARTMENT OF PUBLIC HEALTH, and**
28 **THE STATE OF CALIFORNIA,**

Defendants.

1:13-CV-00036-LJO-BAM

**JOINT STIPULATION FOR
EXTENDING TIME FOR PARTIES
TO SERVE AND FILE PRETRIAL
MOTIONS FOR SUMMARY
JUDGMENT/SUMMARY
ADJUDICATION AND ORDER
THEREON [FRCP 16(b)(4); Local Rule
144(d)]**

Courtroom: 4
Judge: The Hon. Lawrence J. O'Neill
Magistrate Judge: The Hon. Barbara A.
McAuliffe
Trial Date: May 29, 2014
Action Filed: January 9, 2013

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JOINT STIPULATION TO EXTEND TIME FOR PARTIES TO FILE PRE-TRIAL MOTIONS FOR SUMMARY JUDGMENT AND/OR SUMMARY ADJUDICATION

WHEREAS, pursuant to the telephone scheduling conference held on May 21, 2013, this Court issued the following Scheduling Order based on the parties’ agreement as follows:

- Non-expert discovery September 30, 2013
- Expert discovery October 30, 2013
- Pre-trial Motions November 19, 2013
- Pretrial Conference April 14, 2014
- Bench Trial May 20, 2014

Scheduling Conference Order filed May 24, 2013 – Document 33.

WHEREAS, the parties have completed nonexpert discovery as of September 30, 2013, which included depositions taken on September 19 and 27, 2013, supplemental documents productions and disclosures and amended discovery responses. Pursuant to a meet and confer conference of last week regarding the parties’ estimated timetables to complete their respective review of obtained discovery and assessments of what are the potential motion and/or cross motions for summary judgment and/or summary adjudication of issues, and prepare any such motions, the parties’ undersigned counsel agreed to a timetable for: (1) exchange of and negotiations on drafts of joint undisputed statement of facts; (2) to hold their Meet and Confer conference regarding the required six (6) summary judgment items set out in this Court’s Scheduling Order at page 4; and (3) to file a joint stipulation to respectfully request a one-week time extension from the Court’s Scheduling Order date of the November 19, 2013 to November 27, 2013 to serve and file any pre-trial motions or cross-motions for summary judgment/summary adjudication, in order for the parties to have sufficient time to meet and confer and to negotiate a joint undisputed statement of facts. See Fed. R. Civ. P. 16(b)(4); L.R. 144(d).

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1 WHEREAS this one-week time extension will not affect this Court’s Scheduling Order of
2 the pre-trial conference now set for April 14, 2014, or the May 20, 2014 bench trial, and it will
3 not affect the parties’ agreed summary judgment briefing schedule for opposition briefs to be
4 served and filed by January 8, 2014 and reply briefs by February 4, 2014, for a March 5, 2014
5 hearing date. See Joint Scheduling and Rule 26(f) Report filed May 14, 2013-Document 31, p.9,
6 para.9.
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8 IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiffs Valley View Health Care
9 Inc., dba Riverbank Nursing Center, et al. by and through their counsel of record, Lundy &
10 Bookman, PC by Katherine R. Miller and/or Felicia Y. Sze, and Defendants Ronald Chapman, et
11 al. by and through their counsel of record, California Attorney General Kamala D. Harris, by
12 Deputy Attorney General Pauline W. Gee that:
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14 1. The parties’ time to serve and file any pre-trial motions or cross motions for summary
15 judgment or summary adjudication in the above entitled action be extended from November 19,
16 2013 to November 27, 2013, in order for the parties to have sufficient time to meet and confer

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1 and to negotiate a joint undisputed statement of facts. Fed. R. Civ. P. 16(b)(4); L.R. 144(d).

2 Dated: October 30, 2013

HOOPER, LUNDY & BOOKMAN, P.C.

3 BY: /s/ FELICIA Y. SZE

4 KATHERINE R. MILLER
5 FELICIA Y. SZE

6 *Attorneys for Plaintiffs Valley View Health*
7 *Care Inc. dba Riverbank Nursing Center;*
8 *The Stonebrook Convalescent Center, Inc.*
9 *dba Stonebrook Healthcare Center;*
10 *Lifeshouse Parkview Operations, LLC dba*
11 *Parkview Healthcare Center; Beverly*
12 *Healthcare - California, Inc. dba Golden*
13 *Living Center-Fresno; Cf. Modesto, LLC dba*
14 *Country Villa Modesto Nursing &*
15 *Rehabilitation Center; Avalon Care Center -*
16 *Merced Franciscan, L.L.C. dba Franciscan*
17 *Convalescent Hospital; and the California*
18 *Association Of Health Facilities*

12 DATED: October 30, 2013

KAMALA D. HARRIS
Attorney General of California
ISMAEL A. CASTRO
Supervising Deputy Attorney General

15 BY: /s/ PAULINE W. GEE

16 PAULINE W. GEE
17 Deputy Attorney General
18 *Attorneys for Defendants Ronald*
19 *Chapman, MD, Director of the Department*
20 *of Public Health and the California*
21 *Department of Public Health*

19 **ORDER**

20 Good cause shown based on the parties' above Joint Stipulation, IT IS HEREBY
21 ORDERED THAT the parties' time to serve and file any pre-trial motions or cross motions for
22 summary judgment or summary adjudication of issues in the above entitled action is extended
23 from November 19, 2013 to November 27, 2013. Fed. R. Civ. P. 16(b)(4); Local Rule 144(a).

24 IT IS SO ORDERED.

25 Dated: November 1, 2013

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE