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8 *Health Care Services*

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

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12 **CALIFORNIA DEPARTMENT OF**  
13 **HEALTH CARE SERVICES,**  
14 **Petitioner,**  
15 **v.**  
16 **DIRECTOR, CALIFORNIA OFFICE OF**  
17 **ADMINISTRATIVE HEARINGS,**  
18 **Respondent,**  
19  
20 **PARENTS ON BEHALF OF STUDENT,**  
21 **SONORA ELEMENTARY SCHOOL**  
22 **DISTRICT, TUOLUMNE COUNTY**  
23 **OFFICE OF EDUCATION,**  
24 **Real Parties in Interest.**

Case No. 1:13-CV-01858-LJO-SAB

**STIPULATION AND ORDER**

Dept: Courtroom 9  
Judge: Hon. Stanley A. Boone

Action Filed: October 10, 2013

1     **JOINT STIPULATION TO CONTINUE SCHEDULING CONFERENCE AND TIME TO**  
2     **RESPOND TO COUNTERCLAIM AND COMPLAINT**

3           WHEREAS, on October 10, 2013, Petitioner California Department of Health Care  
4 Services filed a Petition for Writ on Mandate, Tuolumne County Superior Court Case No.  
5 CV-58418.

6           WHEREAS, on November 14, 2013, Real Party in Interest Parents on Behalf of  
7 Student (Student) filed a Notice of Removal pursuant to 28 U.S. C. §§ 1331 and 1367 to  
8 this Court.

9           WHEREAS, this Court on November 15, 2013, issued its Order Setting Mandatory  
10 Scheduling Conference. The Conference is scheduled for January 21, 2014, at 9:15 a.m.

11           WHEREAS, on December 4, 2013, Real Party in Interest Parents on Behalf of  
12 Student filed a Counterclaim to the Petition and Complaint.

13           WHEREAS, on December 13, 2013, Petitioner California Department of Health  
14 Care Services filed its Motion to Remand and noticed the hearing for February 18, 2013,  
15 before the Honorable Lawrence J. O’Neill.

16           WHEREAS, on December 16, 2013, this court issued a Minute Order setting  
17 Petitioner’s Motion for Remand on February 19, 2013, at 9:30 a.m., before the Honorable  
18 Stanley A. Boone in Courtroom 9.

19           IT IS HEREBY STIPULATED BY AND BETWEEN the parties, California  
20 Department of Health Care Services, Director, California Office of Administrative  
21 Hearings, Student, Sonora Elementary School District, and Tuolumne County Office of  
22 Education, and through their counsel of record, that the Scheduling Conference currently  
23 scheduled for January 21, 2014, should be continued to a date following the court’s order  
24 on the Motion to Remand.

25           IT IS ALSO HEREBY STIPULATED BY AND BETWEEN THE PARTIES, and  
26 through their respective counsel that the time to respond to the parties’ complaints and  
27 counterclaims will be extended to 14 days after the date on which the court issues its order  
28 on the Motion to Remand.

1 Dated: December 23, 2013

OFFICE OF ADMINISTRATIVE  
HEARINGS

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/S/ Alicia Boomer  
ALICIA BOOMER  
*Attorney for Defendant Director, Office  
of Administrative Hearings*

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6 Dated: : December 23, 2013

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

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/S/ Ashante L. Norton  
ASHANTE L. NORTON  
Deputy Attorney General  
*Attorneys for Petitioner California  
Department of Health Care Services*

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13 Dated: December 23, 2013

LOZANO SMITH

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/S/ Mary Kellogg  
MARY KELLOGG  
*Attorneys for Real Parties in Interest  
Tuolumne County Office of Education  
and Sonora Elementary School District*

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18 Dated: December 23, 2013

RUDERMAN & KNOX LLP

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/S/ Colleen Snyder  
COLLEEN SNYDER  
*Attorneys for Real Party in Interest  
Parents on Behalf of Student*

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**ORDER**

Based on the parties' above Joint Stipulation, IT IS HEREBY SO ORDERED THAT the Scheduling Conference currently set for January 21, 2014, will be continued to April 8, 2014, at 1:00 p.m. before Magistrate Stanley A. Boone.

IT IS FURTHER ORDERED THAT the time to respond to the parties' complaints and counter claims will be extended to 14 days after the date on which the court issues its order on the Motion to Remand.

IT IS SO ORDERED.

Dated: December 23, 2013

  
UNITED STATES MAGISTRATE JUDGE