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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES and the STATE OF CALIFORNIA ex rel. NICOLE O’NEILL.  
NICOLE O’NEILL

Plaintiff,

vs.

SOMNIA, INC., PRIMARY ANESTHESIA SERVICES, PST SERVICES LLC, ROBERT GOLDSTEIN, M.D., ROY WINSTON, M.D., BRYON MENDENHALL, M.D., QUINN GEE, M.D., AND MARGARET VASSILEV, M.D, AND DOES 1 through 10 inclusive,

Defendants.

Case No.: 1:15-CV-00433-DAD-EPG

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

Date Action Filed: March 19, 2015

Plaintiff Nicole O’Neill (“Plaintiff”) and Defendants Somnia, Inc., Primary Anesthesia Services, PST Services LLC, Byron Mendenhall, M.D., Quinn Gee, M.D. and Margaret Vassilev, M.D. (“Defendants”), hereby jointly stipulate as follows:

1. WHEREAS, on August 21, 2017, Defendants each filed a Motion to Dismiss Plaintiff’s Complaint. (Dkt. Nos. 45 and 48.)
2. WHEREAS, on October 4, 2017, Plaintiff filed an Oppositions to the Motions to Dismiss. (Dkt. No. 54 and 55.)
3. WHEREAS, on October 18, 2017, Defendants filed Reply Briefs in support of their Motions to Dismiss. (Dkt. Nos. 56 and 57.)

1           4.       WHEREAS, on November 7, 2017, the Court heard oral arguments on the Motions  
2 to Dismiss and took them under submission.

3           5.       WHEREAS, as the date of this filing, the Court has not ruled on Defendants'  
4 Motions to Dismiss.

5           6.       WHEREAS, the Court has set the Initial Scheduling Conference for December 4,  
6 2017 before Magistrate Judge Erica P. Grosjean. (Dkt. No. 44)

7           7.       WHEREAS, based on the date currently set for the Initial Scheduling Conference,  
8 the Parties must submit a Joint Scheduling Report and initial disclosures by November 27, 2017.

9           8.       WHEREAS, the Parties wish to continue the Initial Scheduling Conference to a  
10 date at least three weeks after the Court rules on the Motions to Dismiss. Continuing the Initial  
11 Scheduling Conference to a date after the Motions to Dismiss have been decided will allow the  
12 remaining Parties to engage in more considered meet and confer discussions regarding the Joint  
13 Scheduling Report, draft more useful initial disclosures, and will result in a more meaningful  
14 Initial Scheduling Conference.

15           NOW THEREFORE, the parties hereby jointly stipulate as follows:

16           1.       The Parties hereby respectfully request the Court continue the Initial Scheduling  
17 Conference currently set for December 4, 2017, to a date at least three weeks after the Court's  
18 ruling on the Motions to Dismiss. The parties shall submit a Joint Scheduling Report and  
19 exchange initial disclosures at least seven days before the date of the rescheduled Initial  
20 Scheduling Conference.

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23 Dated: November 16, 2017

SCHONBRUN SEPLOW HARRIS & HOFFMAN LLP

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By /s/ Wilmer J. Harris  
WILMER J. HARRIS  
MICHAEL D. SALLOW  
*Attorneys for Plaintiff*  
NICOLLE O'NEILL

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Dated: November 16, 2017

NIXON PEABODY LLP

By /s/ Michael Lindsay  
MICHAEL R. LINDSAY  
JASON GONZALEZ  
ERIN J. HOLYOKE  
MAE HAU  
*Attorneys for Defendants*  
SOMNIA, INC., PRIMARY ANESTHESIA  
SERVICES, BYRON MENDENHALL, M.D.,  
QUINN GEE, M.D., AND MARGARET  
VASSILEV, M.D.

Dated: November 16, 2017

KING & SPALDING LLP

By /s/ W. Scott Cameron  
W. SCOTT CAMERON  
TIMOTHY G. BARBER  
BRADLEY J. LINGO  
*Attorneys for Defendant*  
PST SERVICES, LLC

I hereby attest that the signatories listed, and on whose behalf the filing is submitted,  
concur in this document's content and have authorized the filing of this document with the use of  
their electronic signature.

Dated: November 16, 2017

NIXON PEABODY LLP

By /s/ Michael Lindsay  
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QUINN GEE, M.D., AND MARGARET  
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**ORDER**

Good cause appearing, the Initial Scheduling Conference currently set for December 4, 2017 is continued to January 22, 2018 at 9:00 a.m. The parties shall submit a Joint Scheduling Report and exchange initial disclosures at least seven days before the date of the Initial Scheduling Conference.

IT IS SO ORDERED.

Dated: November 16, 2017

*/s/ Eric P. Grogan*  
UNITED STATES MAGISTRATE JUDGE