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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 1. WHEREAS, on August 21, 2017, Defendants each filed a Motion to
2 Dismiss Plaintiff's Complaint. (Dkt. Nos. 45 and 48.)
- 3 2. WHEREAS, on October 4, 2017, Plaintiff filed Oppositions to the
4 Motions to Dismiss. (Dkt. No. 54 and 55.)
- 5 3. WHEREAS, on October 18, 2017, Defendants filed Reply Briefs in
6 support of their Motions to Dismiss. (Dkt. Nos. 56 and 57.)
- 7 4. WHEREAS, on November 7, 2017, the Court heard oral arguments on
8 the Motions to Dismiss and took them under submission.
- 9 5. WHEREAS, the Court had set the original Initial Scheduling
10 Conference for December 4, 2017 before Magistrate Judge Erica P. Grosjean. (Dkt.
11 No. 44.)
- 12 6. WHEREAS, on November 16, 2017, the Parties filed a Joint
13 Stipulation to Continue the Initial Scheduling Conference because the Court had not
14 yet ruled on the Defendants' Motions to Dismiss. (Dkt. No. 65.)
- 15 7. WHEREAS, on November 16, 2017, the Court found good cause and
16 granted an Order continuing the Initial Scheduling Conference to January 22, 2018
17 at 9:00 a.m. The Court also ordered that the Parties submit a Joint Scheduling
18 Report and exchange initial disclosures at least seven days before the date of the
19 Initial Scheduling Conference. (Dkt. No. 66.)
- 20 8. WHEREAS, as the date of this filing, the Court has not ruled on
21 Defendants' Motions to Dismiss.
- 22 9. WHEREAS, based on the date currently set for the Initial Scheduling
23 Conference, the Parties must submit a Joint Scheduling Report and initial
24 disclosures by January 12, 2018.
- 25 10. WHEREAS, the Parties wish to continue the Initial Scheduling
26 Conference to a date at least three weeks after the Court rules on the Motions to
27 Dismiss. Similar to the basis for the previous Joint Stipulation, continuing the
28 Initial Scheduling Conference to a date after the Motions to Dismiss have been

1 decided will allow the remaining Parties to engage in more considered meet and
2 confer discussions regarding the Joint Scheduling Report, draft more useful initial
3 disclosures, and will result in a more meaningful Initial Scheduling Conference.

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

5 1. The Parties hereby respectfully request the Court continue the Initial
6 Scheduling Conference currently set for January 22, 2018, to a date at least three
7 weeks after the Court's ruling on the Motions to Dismiss. The parties shall submit a
8 Joint Scheduling Report and exchange initial disclosures at least seven days before
9 the date of the rescheduled Initial Scheduling Conference.

10
11
12 Dated: January 8, 2018

SCHONBRUN SEPLOW HARRIS &
HOFFMAN LLP

13
14
15 By /s/ Wilmer J. Harris
16 WILMER J. HARRIS
17 MICHAEL D. SALLOW
Attorneys for Plaintiff
NICOLLE O'NEILL

18
19 Dated: January 8, 2018

NIXON PEABODY LLP

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21 By /s/ Michael Lindsay
22 MICHAEL R. LINDSAY
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25 SERVICES, BYRON MENDENHALL,
26 M.D., QUINN GEE, M.D., AND
MARGARET VASSILEV, M.D.

1 Dated: January 8, 2018

KING & SPALDING LLP

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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: January 8, 2018

NIXON PEABODY LLP

By /s/ Michael Lindsay
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SOMNIA, INC., PRIMARY ANESTHESIA
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ORDER

GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING STIPULATED TO THE SAME, the Court finds that the above-stated Stipulation is sanctioned by the Court and shall be and is now the Order of the Court. The Initial Scheduling Conference currently set for January 22, 2018 is taken off calendar and continued to March 5, 2018, at 9:00 AM before Magistrate Judge Erica P. Grosjean. The parties shall submit a Joint Scheduling Report and exchange initial disclosures at least seven days before the date of the rescheduled Initial Scheduling Conference.

IT IS SO ORDERED.

Dated: January 8, 2018

/s/ Erica P. Grosjean
UNITED STATES MAGISTRATE JUDGE