

1 DAVIS WRIGHT TREMAINE LLP
2 865 South Figueroa Street, Suite 2400
3 Los Angeles, CA 90017-2566
4 Telephone: (213) 633-6800
5 Fax: (213) 633-6899

6 Rochelle L. Wilcox (SBN 197790)
7 rochellewilcox@dwt.com

8 Attorney for Defendant
9 Apria Healthcare Group, Inc.

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA – FRESNO

12 MACARTHUR WASHINGTON, on
13 behalf of himself and all others similarly
14 situated,

15 Plaintiff,

16 vs.

17 APRIA HEALTHCARE GROUP, INC.,
18 and DOES 1 through 10, inclusive, and
19 each of them

20 Defendants.

) Case No. **1:16-cv-00847-DAD-SKO**

) **SECOND STIPULATION AND
ORDER TO EXTEND TIME TO
RESPOND TO INITIAL
COMPLAINT (L.R. 144)**

21 This Stipulation is entered by and between Plaintiff MacArthur Washington
22 (“Plaintiff”) and Defendant Apria Healthcare, Inc. (“Apria”) through their respective
23 counsel of record, with reference to the following facts:

- 24 1. Plaintiff filed the Complaint in this action on June 17, 2016.
25 2. Apria was served with the Complaint on June 29, 2016, making Apria’s
26 response to the Complaint originally due July 20, 2016.
27
28

1 3. Pursuant to Local Rule 144(a), Plaintiff agreed to extend the time for
2 Apria to respond to the Complaint by 21 days, up to and including August 10, 2016.
3 The parties filed a stipulation to that effect on July 19, 2016 (Dkt. 7).

4 4. Since that time, the parties have been actively engaged in investigating
5 the facts and circumstances alleged in the Complaint and have exchanged
6 information relating to those allegations. The parties anticipate they will need
7 approximately three additional weeks to complete their investigation, at which point
8 Apria will be in an adequate position to respond to the Complaint.

9 5. Accordingly, the parties stipulate and jointly ask the Court to extend the
10 time for Apria to respond to the Complaint by another 21 days, up to and including
11 August 31, 2016.

12 6. All signatories listed below, and on whose behalf the filing is submitted,
13 concur in this filing's content and have authorized this filing.

14 7. This is the first request to the Court for an extension of time; as noted
15 above, the parties previously stipulated to a 21-day extension of time pursuant to
16 Local Rule 144(a), which did not require Court approval.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that
18 Defendant shall have an extension of time up to and including August 31, 2016, to
19 respond to the Complaint in this action.

20
21
22
23
24
25
26
27
28
///

1 DATED: August 11, 2016

LAW OFFICES OF TODD M. FRIEDMAN, P.C.
TODD M. FRIEDMAN
MEGHAN E. GEORGE
ADRIAN BACON

2
3
4 By: s/ Adrian Bacon *

5 Adrian Bacon
6 Attorneys for Plaintiff
7 MACARTHUR WASHINGTON

8 * (as authorized by email on 8/9/16)

9
10 DATED: August 11, 2016

DAVIS WRIGHT TREMAINE LLP
ROCHELLE L. WILCOX

11
12 By: s/ Rochelle L. Wilcox

13 Rochelle L. Wilcox
14 Attorney for Defendant
15 APRIA HEALTHCARE, INC.

16 **ORDER**

17
18 Pursuant to the parties' "Stipulation to Extend Time to Respond to Initial
19 Complaint by Not More than 28 Days" (Doc. 7), Defendant Apria Healthcare
20 Group's ("Defendant") response to Plaintiff MacArthur Washington's ("Plaintiff")
21 Complaint was due August 10, 2016, the same day on which the parties filed the
22 above "Second Stipulation to Extend Time to Response to Initial Complaint." (Doc.
23 9.)

24 Requests for extension are governing by Rule 144 of the Local Rules of the
25 United States District Court, Eastern District of California ("Local Rules"). Local
26 Rule 144(d) explains that "[r]equests for Court-approved extensions brought on the
27 required filing date for the pleading or other document are looked upon with
28 disfavor." However, given the parties' representations regarding the status of their

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

investigation of the allegations in the Complaint, the Court GRANTS the parties' stipulated second request for extension of time.

It is hereby ORDERED that Defendant shall file its responsive pleading by no later than August 31, 2016.

IT IS SO ORDERED.

Dated: August 11, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE