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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**

) **THIRD 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.
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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 (Doc. 7).

4 4. Since that time, the parties investigated the facts and circumstances
5 alleged in the Complaint and voluntarily exchanged information and documents
6 relating to those allegations. To further facilitate that investigation, on August 10,
7 2016, the parties filed a stipulation to extend the deadline for Apria to respond to the
8 Complaint by an additional 21 days, up to and including August 31, 2016 (Doc. 9).
9 On August 11, 2016, the Court entered an order extending the deadline accordingly
10 (Doc. 10).

11 5. Over the past week, the parties have begun exploring the possibility of
12 settling their dispute. If the parties voluntarily resolve this case, it will avoid
13 unnecessary waste of the parties' (and the Court's) time and resources. The parties
14 anticipate they will conclude these early settlement discussions one way or another
15 within the next three weeks.

16 6. To facilitate these settlement discussions, the parties stipulate and jointly
17 ask the Court to extend the time for Apria to respond to the Complaint by another 30
18 days, up to and including September 30, 2016.

19 7. The parties further ask the Court to reset the Mandatory Scheduling
20 Conference from September 29, 2016, to a date and time approximately thirty (30)
21 days later. The parties respectfully submit that their early settlement discussions—
22 and the prospect of conserving limited judicial resources in the event this matter is
23 resolved in the near future—constitutes “good cause” sufficient to warrant a brief,
24 30-day continuance of the Scheduling Conference and the Court's entry of a
25 scheduling order. *See* Fed. R. Civ. P. 16(b)(2).

26 8. All signatories listed below, and on whose behalf the filing is submitted,
27 concur in this filing's content and have authorized this filing.

1 9. This is the second request to the Court for an extension of time; as noted
2 above, the parties initially stipulated to a 21-day extension of time pursuant to Local
3 Rule 144(a), which did not require Court approval.

4 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that,
5 subject to the approval of the Court, Defendant shall have an extension of time up to
6 and including September 30, 2016, to respond to the Complaint in this action, and the
7 Court's Mandatory Scheduling Conference shall be continued from September 29,
8 2016 to a date and time to be determined by the Court.

9
10 DATED: August 31, 2016

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

11
12
13 By: s/ Adrian Bacon *

14 Adrian Bacon
15 Attorneys for Plaintiff
16 MACARTHUR WASHINGTON

17 * (as authorized by email on 8/30/16)

18
19 DATED: August 31, 2016

DAVIS WRIGHT TREMAINE LLP
ROCHELLE L. WILCOX

20
21 By: s/ Rochelle L. Wilcox

22 Rochelle L. Wilcox
23 Attorney for Defendant
24 APRIA HEALTHCARE, INC.

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ORDER

Pursuant to the above-stipulation, it is hereby ORDERED that:

1. Defendant shall file its responsive pleading by no later than September 30, 2016; and

2. The Scheduling Conference currently set for September 29, 2016 in this matter is **CONTINUED to November 29, 2016 at 10:15 a.m. in Courtroom 7 before Magistrate Judge Sheila K. Oberto.** The parties shall file their joint scheduling report by no later than November 22, 2016.

IT IS SO ORDERED.

Dated: August 31, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE