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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**

) **STIPULATION AND ORDER TO
STAY CASE**

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

- 24 1. Plaintiff filed the Complaint in this action on June 17, 2016, and served
25 Apria with the Complaint on June 29, 2016.
- 26 2. Pursuant to Local Rule 144(a), Plaintiff agreed to extend the time for
27 Apria to respond to the Complaint by 21 days, up to and including August 10, 2016.
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1 The parties filed a stipulation (the “First Stipulation”) to that effect on July 19, 2016
2 (Doc. 7).

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

10 4. Beginning in late August, the parties began exploring the possibility of
11 settling their dispute. To facilitate their settlement discussions, the parties filed
12 another stipulation (the “Third Stipulation”) asking the Court to grant Apria and
13 additional 30-day extension to respond to the Complaint (Doc. 11). On September 1,
14 2016, the Court entered an order extending Apria’s response deadline to September
15 30, and continued the scheduling conference to November 29 (Doc. 12).

16 5. Since that time, the parties and their counsel diligently pursued
17 settlement discussions and were very close to reaching an agreement to resolve this
18 matter. However, Plaintiff’s counsel learned yesterday that Plaintiff unfortunately
19 had passed away.

20 6. Plaintiff’s counsel has asked for—and Apria has agreed to—a short stay
21 to provide time for (i) a personal representative to be appointed for Plaintiff’s estate
22 and to be substituted for Plaintiff in this matter, (ii) Plaintiff’s counsel to obtain the
23 necessary consent to settlement, and (iii) the parties to finalize a settlement and
24 reduce it to writing. The parties therefore ask the Court to stay this matter for
25 approximately 120 days, until January 30, 2017, and to vacate the November 29,
26 2016 scheduling conference and related deadlines.

27 7. Barring unforeseen difficulties in the appointment of a personal
28 representative for Plaintiff and substituting Plaintiff’s estate for Plaintiff in this

1 matter, the parties anticipate that on or before January 30, 2017, they will either file a
2 stipulation of voluntary dismissal or a joint status report recommending how the
3 matter should proceed.

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

6 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that,
7 subject to the approval of the Court, this matter shall be stayed until January 30,
8 2017.

9
10 DATED: October 6, 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 9/30/16)

18
19 DATED: October 6, 2016

DAVIS WRIGHT TREMAINE LLP
ROCHELLE L. WILCOX

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21 By: s/ Rochelle L. Wilcox
22 Rochelle L. Wilcox
23 Attorney for Defendant
24 APRIA HEALTHCARE, INC.

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ORDER

Based on the parties' above-stipulation, IT IS HEREBY ORDERED that this matter is STAYED until January 30, 2017. On or before January 30, 2017, the parties shall either file a stipulation of voluntary dismissal or a joint status report proposing how this matter shall proceed.

IT IS FURTHER ORDERED that the Scheduling Conference currently set for November 29, 2016, in this matter is CONTINUED to February 14, 2017, at 10:15 a.m. in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto, if a stipulation of voluntary dismissal is not filed. The parties shall file their joint scheduling report by no later than February 7, 2017.

IT IS SO ORDERED.

Dated: October 6, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE