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9 ATTORNEYS FOR PLAINTIFF

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11                                   **UNITED STATES DISTRICT COURT**  
12                                   **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

13  
14 DOCTORS MEDICAL CENTER  
15 OF MODESTO, INC.,

16                                   Plaintiff,

17 vs.

18 GARDNER TRUCKING, INC., a  
19 California Corporation; and DOES 1  
20 through 25, inclusive,

21                                   Defendants.

Case No: 1:16-CV-01674 DAD-SAB

**STIPULATION AND ORDER RE:  
CONTINUANCE OF SCHEDULING  
CONFERENCE AND DEADLINE TO  
FILE JOINT SCHEDULING  
REPORT**

22 TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF  
23 RECORD:

24                   IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff,  
25 DOCTORS MEDICAL CENTER OF MODESTO, INC., and Defendant GARDNER  
26 TRUCKING, INC. as follows:

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1 **RECITALS**

2 1. WHEREAS, on September 20, 2016, Plaintiff filed its Complaint in the  
3 above-referenced matter in Stanislaus County Superior Court;

4 2. WHEREAS, on November 3, 2016, Defendant filed a Notice of Removal  
5 with the United States District Court, Eastern District of California;

6 3. WHEREAS, on November 4, 2016, the Court issued an Order Setting  
7 Mandatory Scheduling Conference for January 10, 2017, which requires a Joint  
8 Scheduling Report to be filed one (1) week prior to the Scheduling Conference;

9 4. WHEREAS, on December 16, 2016, the parties held the F.R.C.P. 26(f)  
10 conference and, at such meeting, Plaintiff expressed its intent to file a Motion to  
11 Remand;

12 5. WHEREAS, the parties believe the Scheduling Conference and deadline  
13 for submission of the Fed. R. Civ. P. 26(f) Joint Report should be continued pending  
14 the outcome of the Plaintiff's Motion to Remand;

15 6. WHEREAS, on December 20, 2016, Plaintiff's lead trial counsel Kim  
16 Worobec learned of the recent death of an immediate family member and, the  
17 circumstances have impacted the parties' ability to prepare the Fed. R. Civ. P. 26(f)  
18 Joint Report;

19 7. WHEREAS, by Minute Order entered December 21, 2016, the Magistrate  
20 Judge Stanley A. Boone continued the Scheduling Conference from January 10, 2017  
21 to January 12, 2017 at 9:30 a.m., and required a Joint Scheduling Report to be filed one  
22 (1) week prior to the Scheduling Conference;

23 8. WHEREAS, Plaintiff plans to file its Motion to Remand for hearing on  
24 February 7, 2017.

25 **STIPULATION**

26 NOW THEREFORE, in light of said Recitals, it is hereby stipulated by and  
27 between Doctors Medical Center of Modesto, Inc. and Gardner Trucking, Inc. that:  
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1. The Scheduling Conference is continued from January 12, 2017 to March 3, 2017 at 9:30 a.m. in Courtroom 9 (SAB) before Magistrate Judge Stanley A. Boone;

2. A Joint Scheduling Report is due one week before the new conference date.

DATED: January 3, 2017

HELTON LAW GROUP, APC

By: /s/ Kim Worobec  
CARRIE McLAIN  
KIM WOROBEK  
SARA A. POPOVICH  
Attorneys for Plaintiff  
DOCTORS HOSPITAL OF MANTECA,  
INC.

DATED: January 3, 2017

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Timothy J. Nally  
as authorized on 1/3/17  
GREG L. JOHNSON  
TIMOTHY J. NALLY  
Attorneys for Defendant  
GARDNER TRUCKING, INC.

**ORDER**

Pursuant to the Stipulation of the Parties and for good cause appearing, the Court hereby orders:

1. The Scheduling Conference is continued from January 12, 2017 to March 3, 2017 at 9:30 a.m. in Courtroom 9 (SAB) before Magistrate Judge Stanley A. Boone;

2. A Joint Scheduling Report is due one week before the new conference date.

IT IS SO ORDERED.

Dated: January 4, 2017

  
UNITED STATES MAGISTRATE JUDGE