

1 LATHAM & WATKINS LLP  
Jason M. Ohta (Bar No. 211107)  
2 *jason.ohta@lw.com*  
12670 High Bluff Drive  
3 San Diego, CA 92130-2071  
Telephone: +1.858.523.5400  
4 Facsimile: +1.858.523.5450

5 *Attorneys for Defendants Adventist Health,*  
*San Joaquin Community Hospital, Robert*  
6 *Beehler, Kurt Hoekendorf, Scott Reiner,*  
*and William Brent Soper*  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES and the STATE OF  
11 CALIFORNIA, *ex rel.* THOMAS REILLY,  
12 GARRETT LEE, KEVIN SCHMIDT, AND  
TERRY HILLIARD,

13 Plaintiffs,

14 v.

15 ADVENTIST HEALTH, *et al.*,

16 Defendants.  
17

Case No. 1:17-cv-00613-AWI-SKO

**SECOND JOINT STIPULATION TO  
CONTINUE MANDATORY  
SCHEDULING CONFERENCE; ORDER**

**(Doc. 37)**

Mag. Judge: Hon. Sheila K. Oberto  
Complaint Filed: August 23, 2017  
Complaint Unsealed: July 3, 2019  
Trial Date: None Set

1 Plaintiffs Thomas Reilly, Garrett Lee, Kevin Schmidt and Terry Hilliard (collectively,  
2 (“Plaintiffs”), and Defendants Adventist Health, San Joaquin Community Hospital (“SJCH”),  
3 Robert Beehler, Kurt Hoekendorf, Scott Reiner, and William Brent Soper (collectively,  
4 “Defendants”), by and through their counsel of record, respectfully submit this Joint Stipulation  
5 to Continue the Mandatory Scheduling Conference currently set for November 26, 2019 pursuant  
6 to the Court’s September 11, 2019 Order re: Stipulation to Continue Mandatory Scheduling  
7 Conference (Dkt. No. 33).

8 **WHEREAS**, Plaintiffs served Defendants Adventist Health and SJCH with a copy of the  
9 First Amended Complaint (“FAC”) on August 20, 2019;

10 **WHEREAS**, Plaintiffs served Defendant Kurt Hoekendorf with a copy of the FAC on  
11 August 24, 2019;

12 **WHEREAS**, this Court approved the parties’ Joint Stipulation to Continue the  
13 Mandatory Scheduling Conference filed on September 9, 2019, and continued the Mandatory  
14 Scheduling Conference to November 26, 2019;

15 **WHEREAS**, Defendant Paul Griffin filed his answer to the FAC on September 19, 2019;

16 **WHEREAS**, Defendants filed a Motion to Dismiss Plaintiffs’ FAC on October 8, 2019  
17 (Dkt. No. 35);

18 **WHEREAS**, Plaintiffs’ filed their opposition to Defendants’ motion to dismiss on  
19 November 4, 2019;

20 **WHEREAS**, the parties have stipulated that Defendants may file their reply brief in  
21 support of the motion to dismiss on November 11, 2019;

22 **WHEREAS**, the hearing on Defendants’ motion to dismiss is set for November 18, 2019  
23 before the Honorable Anthony Ishii;

24 **WHEREAS**, the parties have met and conferred and believe that the Court’s resolution  
25 of Defendants’ motion to dismiss may impact discovery and the amount of claims moving  
26 forward;

27  
28

1           **WHEREAS**, the parties have met and conferred and believe it is in the interest of judicial  
2 economy to continue the Mandatory Scheduling Conference currently set for November 26,  
3 2019, to January 28, 2020;

4           **NOW, HEREBY, THE PARTIES STIPULATE AND AGREE** that the Mandatory  
5 Scheduling Conference shall be continued to January 28, 2020, or at another date convenient for  
6 the Court.

7           **IT IS SO STIPULATED AND AGREED.**

8 Dated: November 6, 2019

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Jason M. Ohta  
Jason M. Ohta

*Attorneys for Defendants Adventist Health,  
San Joaquin Community Hospital,  
Robert Beehler, Kurt Hoekendorf,  
Scott Reiner and William Brent Soper*

15 Dated: November 6, 2019

FENTON LAW GROUP, LLP

By: /s/ Benjamin J. Fenton  
Benjamin J. Fenton

*Attorneys for Defendant Paul Griffin*

20 Dated: November 6, 2019

CLAYPOOL LAW FIRM

By: /s/ Brian E. Claypool  
Brian E. Claypool

*Attorneys for Plaintiffs Thomas Reilly,  
Garrett Lee, Kevin Schmidt and Terry Hilliard*

24 ///

25 ///

26 ///

27 ///

28

1 Dated: November 6, 2019

MCNICHOLAS & MCNICHOLAS, LLP

2

By: /s/ Jeffrey R. Lamb  
Jeffrey R. Lamb

3

*Attorneys for Plaintiffs Thomas Reilly,  
Garrett Lee, Kevin Schmidt and Terry Hilliard*

4

5

6

**ORDER**

7

Pursuant to the parties' above stipulation (Doc. 37), and for good cause shown, the  
8 Mandatory Scheduling Conference currently set for November 26, 2019, is **CONTINUED to**  
9 **February 20, 2020, at 9:30 a.m. in Courtroom 7 (SKO) before Magistrate Judge Sheila K.**  
10 **Oberto. The parties SHALL file their joint scheduling report by no later than February 13,**  
11 **2020.**

12

IT IS SO ORDERED.

13

14 Dated: November 6, 2019

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

15

16

17

18

19

20

21

22

23

24

25

26

27

28