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

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

**(Doc. 44)**

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, William Brent Soper and Paul Griffin  
4 (collectively, “Defendants”), by and through their counsel of record, respectfully submit this  
5 Third Joint Stipulation to Continue the Mandatory Scheduling Conference currently set for  
6 February 20, 2020 pursuant to the Court’s November 6, 2019 Order re: Second Joint Stipulation  
7 to Continue Mandatory Scheduling Conference (Dkt. No. 38).

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 (Dkt. No. 33);

15 **WHEREAS**, Defendant Paul Griffin filed his answer to the FAC on September 19, 2019  
16 (Dkt. No. 34);

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

19 **WHEREAS**, Plaintiffs’ filed their opposition to Defendants’ motion to dismiss on  
20 November 4, 2019 (Dkt. No. 36);

21 **WHEREAS**, this Court approved the parties’ Second Joint Stipulation to Continue the  
22 Mandatory Scheduling Conference filed on November 7, 2019, and continued the Mandatory  
23 Scheduling Conference to February 20, 2020 (Dkt. No. 38);

24 **WHEREAS**, Defendants filed their reply brief in support of the motion to dismiss on  
25 November 11, 2019 (Dkt. No. 39);

26 **WHEREAS**, the November 18, 2019 hearing on Defendants’ motion to dismiss was  
27 vacated and taken under submission without oral argument by the Honorable Anthony Ishii (Dkt.  
28 No. 40);

1           **WHEREAS**, the parties have met and conferred and believe that the Court's resolution  
2 of Defendants' motion to dismiss may impact discovery and the amount of claims moving  
3 forward;

4           **WHEREAS**, the parties have met and conferred and believe it is in the interest of judicial  
5 economy to continue the Mandatory Scheduling Conference currently set for February 20, 2020,  
6 to April 23, 2020;

7           **NOW, HEREBY, THE PARTIES STIPULATE AND AGREE** that the Mandatory  
8 Scheduling Conference shall be continued to April 23, 2020, or at another date convenient for  
9 the Court.

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

11 Dated: January 29, 2020

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*

18 Dated: January 29, 2020

FENTON LAW GROUP, LLP

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

*Attorneys for Defendant Paul Griffin*

22 Dated: January 29, 2020

CLAYPOOL LAW FIRM

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

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

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Dated: January 29, 2020

MCNICHOLAS & MCNICHOLAS, LLP

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

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

**ORDER**

Pursuant to the parties' above stipulation (Doc. 44), the Mandatory Scheduling Conference currently set for February 20, 2020, is **CONTINUED to April 30, 2020 at 9:30 a.m. in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto.** The parties SHALL file their joint scheduling report by no later than April 23, 2020.

IT IS SO ORDERED.

Dated: January 30, 2020

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