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7 Attorneys for Defendants/Counter-Claimant
 KAISER FOUNDATION HOSPITALS, erroneously sued as KAISER
 8 PERMANENTE HOSPITALS, KAISER PERMANENTE, INC.,
 and Defendants RUBY GARTRELL, LUANN LAMAY, and HENRY AMOS
 9

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14 Attorney for Plaintiff

15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 ROCHELLE WYNES
 18
 19 Plaintiff,

20 v.

21 KAISER PERMANENTE HOSPITALS, et al.
 22 Defendants.
 23

) Case No. 10-CV-00702-MCE-EFB
)
) Assigned to the Magistrate Judge Edmund F.
) Brennan
)

) **STIPULATION AND [PROPOSED]**
) **ORDER FOR EARLY SETTLEMENT**
) **CONFERENCE BEFORE THE**
) **ASSIGNED MAGISTRATE JUDGE TO**
) **TAKE PLACE BEFORE THE**
) **SCHEDULED PRE-TRIAL**
) **CONFERENCE**

) Hearing Date: October 10, 2013
) Hearing Time: 10:00 a.m.
) Judge: Hon. Edmund F. Brennan
)

) Action Filed: March 23, 2010
)
)

DAVIS WRIGHT TREMAINE LLP

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1 Plaintiff Rochelle Wynes and Defendant Kaiser Foundation Hospitals (“KFH”), through
2 their respective counsel, hereby stipulate and agree as follows:

3 WHEREAS, Wynes commenced this action March 23, 2010, together with four other
4 plaintiffs.

5 WHEREAS, all plaintiffs other than Wynes have dismissed their claims against
6 Defendants;

7 WHEREAS, the Parties held a full day mediation on December 4, 2012, before the Hon.
8 Ellen Sickle James (Ret.) of JAMS, which was not successful;

9 WHEREAS, On March 28, 2013, the Court granted in part and denied in part Defendants’
10 motion for summary judgment;

11 WHEREAS, discovery has closed and the parties are preparing for trial, which is
12 scheduled on January 13, 2014;

13 WHEREAS, pursuant to the Court’s October 24, 2012 amended scheduling order, pretrial
14 filings are due on October 24, 2013 (including the joint pretrial statement and motions *in limine*);

15 WHEREAS, the Pretrial Conference is scheduled for November 14, 2013;

16 WHEREAS, there is currently no scheduled Settlement Conference and the Court has not
17 previously held a Settlement Conference in this matter;

18 WHEREAS, the Parties agree that an early Settlement Conference in this matter, held prior
19 to the November 14 Pretrial Conference will be most effective in reaching a settlement,
20 particularly if the Settlement Conference is scheduled well prior to the October 24 deadline for
21 pretrial filings;

22 WHEREAS, the parties seek a Settlement Conference before the Magistrate Judge
23 assigned to this matter, the Honorable Edmund F. Brennan;

24 WHEREAS, pursuant to Local Rule 270, the Parties **each waive any claim of**
25 **disqualification** of Magistrate Judge Brennan based upon his conducting a Settlement Conference
26 as requested herein;

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NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE:

That the Court schedule an early Settlement Conference pursuant to Local Rule 270, to take place before the Honorable Edmund F. Brennan, on October 10, 2013, at 10:00 a.m., or such other time as the Court may determine.

SO STIPULATED.

Dated: September 12, 2013 DAVIS WRIGHT TREMAINE LLP

By: /s/ Michael A. Aparicio
MICHAEL A. APARICIO

ATTORNEYS FOR KAISER FOUNDATION HOSPITALS,
erroneously sued as KAISER PERMANENTE HOSPITALS
and KAISER PERMANENTE, INC., RUBY GARTRELL,
LUANN LAMAY and HENRY AMOS

Dated: September 11, 2013

By: /s/ Ellen C. Dove
ELLEN C. DOVE

ATTORNEY FOR PLAINTIFF, ROCHELLE WYNES

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ORDER

Having considered the Stipulation and [Proposed] Order, and with good cause appearing, the Court hereby adopts the parties' Stipulation and [Proposed] Order for an early settlement conference. Accordingly, a Settlement Conference is now set before the undersigned on October 10, 2013, at 10:00 a.m in Courtroom No. 8.

Counsel are directed to submit settlement conference statements to the settlement judge not later than seven (7) days prior to the conference. At counsel's option, such statements may be submitted in confidence pursuant to Local Rule 270(d).

Each party is directed to have a principal capable of disposition at the Settlement Conference or to be fully authorized to settle the matter on any terms and at the Settlement Conference.

IT IS SO ORDERED.

Dated: September 12, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE