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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

16 CATHERINE WILKIE, individually and
 17 on behalf of all other similarly situated,

18 Plaintiffs,

19 v.

20 GENTIVA HEALTH SERVICES, INC.,

21 Defendant.

Case No. 2:10-CV-01451-GEB-GGH

**STIPULATION TO MODIFY STATUS
 (PRETRIAL) SCHEDULING ORDER;
 AND [PROPOSED] ORDER**

Action Filed: June 11, 2010

Trial Date: February 5, 2013

1 STIPULATION

2 WHEREAS the parties have been engaged in active discovery in this litigation and
3 are facing substantial costs and time relative to the outstanding discovery matters;

4 WHEREAS, the parties continue to participate in a productive and extensive
5 mediation, which began on on August 3, 2011, with David Geronemus, Esq. of JAMS in an attempt
6 to resolve the present case;

7 WHEREAS the parties continue exchanging informal discovery in connection with
8 their attempt to reach a mediated resolution in this case;

9 WHEREAS, in lieu of just seeking to extend the present discovery schedule so as to
10 permit its completion (at significant time and expense), the parties believe it would be pragmatic and
11 practical to extend the current scheduling order;

12 WHEREAS, successful mediation of the matter would obviate the burden and
13 expense of additional formal discovery and motion practice:

14 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the Court's
15 Status (Pretrial Scheduling) Order, filed September 17, 2010, as modified by Court's orders on
16 November 4, 2010, December 9, 2010, February 18, 2011, March 23, 2011, April 25, 2011, and
17 August 23, 2011 be modified with the Court's consent as follows, *with respect to all pre-*
18 *certification and post-certification dates:*

19 1. The time to complete **non-expert, pre-certification discovery** shall be
20 extended from November 11, 2011, to **March 12, 2012**.

21 2. The **pre-certification expert disclosure schedule** shall be modified as
22 follows:

23 a. The time for each party to designate in writing, file with the court, and
24 serve upon all other parties the name, address, and area of expertise of each expert proposed,
25 accompanied by a written report prepared and signed by the expert, shall be extended from
26 November 30, 2011, to **March 30, 2012**.

27 b. The time for pre-certification rebuttal expert disclosures and written
28 reports shall be extended from December 28, 2011 to **April 30, 2012**.

1 c. The time to complete pre-certification expert discovery shall be
2 extended from January 13, 2012, to **May 14, 2012.**

3 3. The class motion schedule shall be modified as follows:

4 a. Plaintiffs' Motion for Class Certification shall be filed on **June 18,**
5 **2012.**

6 b. Defendant's opposition shall be on **July 2, 2012.**

7 c. Plaintiffs' reply shall be filed on **July 9, 2012.**

8 d. The hearing on the motion shall be heard on **July 30, 2012, at 10:00**
9 **a.m.,** or such subsequent date as the Court may set.

10 4. The **post-certification discovery cut-off** shall be extended from May 11,
11 2012 to **September 11, 2012**

12 5. The **post-certification expert discovery schedule** shall be modified as
13 follows:

14 a. The time for each party to designate in writing, file with the court, and
15 serve upon all other parties the name, address, and area of expertise of each expert proposed,
16 accompanied by a written report prepared and signed by the expert, shall be extended from May 25,
17 2012, to **September 25, 2012.**

18 b. The time for post-certification rebuttal expert disclosures and written
19 reports shall be extended from June 15, 2012 to **October 15, 2012.**

20 c. The time to complete post-certification expert discovery shall be
21 extended from July 13, 2012 to **November 13, 2012.**

22 6. The deadline for hearing of all post-certification dispositive motions, except
23 motions for continuances, temporary restraining orders or other emergency applications, shall be
24 extended from September 28, 2012 to **January 28, 2013.**

25 7. The **final pre-trial conference** shall be continued from to November 16, 2012
26 to **March 18, 2013, at 2:00 p.m.**

27 8. The **trial date** shall be continued from February 5, 2013, to **June 5, 2013 at**
28 **9:00 a.m.**

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IT IS SO STIPULATED.

Dated: November 23, 2011

/s/ Michael E. Brewer
Anne-Marie Waggoner
Michael E. Brewer
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
GENTIVA HEALTH SERVICES, INC.

Dated: November 15, 2011

/c/ C. Brooks Cutter
C. Brooks Cutter
John R. Parker, Jr.
KERSHAW, CUTTER & RATINOFF, LLP
Attorneys for Plaintiffs

ORDER

Based on the foregoing Stipulation of counsel for the parties, and good cause appearing, it is hereby ordered that the Court's Status (Pretrial Scheduling) Order, filed September 17, 2010, as modified by the Court's Orders of November 4, 2010, December 9, 2010, February 18, 2011, March 23, 2011, April 25, 2011, and August 23, 2011 is further modified as follows:

1. The time to complete **non-expert, pre-certification discovery** shall be extended from November 11, 2011, to **March 12, 2012**.

2. The **pre-certification expert disclosure schedule** shall be modified as follows:

a. The time for each party to designate in writing, file with the court, and serve upon all other parties the name, address, and area of expertise of each expert proposed, accompanied by a written report prepared and signed by the expert, shall be extended from November 30, 2011, to **March 30, 2012**.

b. The time for pre-certification rebuttal expert disclosures and written reports shall be extended from December 28, 2011 to **April 30, 2012**.

c. The time to complete pre-certification expert discovery shall be extended from January 13, 2012, to **May 14, 2012**.

3. The class motion schedule shall be modified as follows:

a. Plaintiffs' Motion for Class Certification shall be filed on **June 18, 2012**.

b. Defendant's opposition shall be on **July 2, 2012**.

c. Plaintiffs' reply shall be filed on **July 9, 2012**.

d. The hearing on the motion shall be heard on **July 30, 2012, at 9:00 a.m.**, or such subsequent date as the Court may set.

4. The **post-certification discovery cut-off** shall be extended from May 11, 2012 to **September 11, 2012**

5. The **post-certification expert discovery schedule** shall be modified as follows:

1 a. The time for each party to designate in writing, file with the court, and
2 serve upon all other parties the name, address, and area of expertise of each expert proposed,
3 accompanied by a written report prepared and signed by the expert, shall be extended from May 25,
4 2012, to **September 25, 2012.**

5 b. The time for post-certification rebuttal expert disclosures and written
6 reports shall be extended from June 15, 2012 to **October 15, 2012.**

7 c. The time to complete post-certification expert discovery shall be
8 extended from July 13, 2012 to **November 13, 2012.**

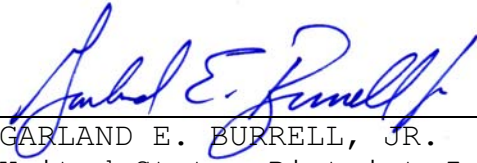
9 6. The deadline for hearing of all post-certification dispositive motions, except
10 motions for continuances, temporary restraining orders or other emergency applications, shall be
11 extended from September 28, 2012 to February 4, **2013.**

12 7. The **final pre-trial conference** shall be continued from to November 16, 2012
13 to April 8, **8, 2013, at 2:30 p.m. A joint pretrial statement shall be filed seven days prior to the**
14 **hearing.**

15 8. The **trial date** shall be continued from February 5, 2013, to **June 4, 2013 at**
16 **9:00 a.m.**

17 IT IS SO ORDERED.

18 Dated: November 28, 2011

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21 GARLAND E. BURRELL, JR.
22 United States District Judge
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