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ALTEMUS & WAGNER
ATTORNEYS AT LAW

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Stewart C. Altemus (California State Bar No. 98746)
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA O’CONNER,
Plaintiff,

Case No. 2:11-cv-00818-GEB-CMK

vs.
SHINGLETOWN MEDICAL
CENTER, ET AL,

STIPULATION and ORDER TO
CONTINUE HEARING ON UNITED
STATES’ OF AMERICA’S MOTION TO
DISMISS FOR LACK OF JURISDICTION

Defendants.

Date: August 22, 2011
Time: 9:00 a.m.
Courtroom 10
Garland E. Burrell, Jr. Judge

_____/

Plaintiff, CYNTHIA O’CONNER, by and through her attorney, and Defendants,
SHINGLETOWN MEDICAL CENTER, DOLLY BROOKS, NP-C, GORDON LUI, M.D. and
UNITED STATES OF AMERICA, (collectively “Defendants”), by and through their attorney,
hereby stipulate as follows:

IT IS HEREBY STIPULATED by and between the parties hereto that the hearing on
Defendant United States’ of America’s Motion to Dismiss for Lack of Jurisdiction presently
scheduled to be heard on August 22, 2011, be continued to September 26, 2011 on the following
grounds:

1. In early February 2011 Plaintiff’s attorney, Stewart C. Altemus was diagnosed with tonsil
cancer and has undergone three surgeries since February 10, 2011. On March 18, 2011 he began

1 intensive chemotherapy and radiation treatments. His chemotherapy treatments which were every
2 Monday from 6:30 a.m. until 3:00 p.m followed by a one hour radiation treatment and from Tuesday
3 through Friday of each week commencing at 8:00 a.m. until approximately 9:00 a.m. were completed
4 at the end of May. Although it was originally anticipated that he would be able to return to work at
5 the end of June, 2011, his physicians have now advised him that he will be unable to return to work
6 full time until the end of August, 2011, as a result of his illness and his recovery from the
7 chemotherapy and radiation treatments. He is therefore unable to prepare and serve his opposition
8 to Defendant's Motion to Dismiss for Lack of Jurisdiction which would be required to be filed by
9 August 5, 2011 and to be present at the hearing on Defendant's motion presently scheduled for
10 August 22, 2011.

11 2. On or about April 4, 2011, Defendants filed their Motion to Dismiss for Lack of
12 Jurisdiction scheduling the hearing on the Motion for June 6, 2011. After receipt of the Motion by
13 Plaintiff's attorney, his assistant contacted the attorney for the Defendants, Jason Ehrlinspiel,
14 advising him of Mr. Altemus's medical condition and requesting that the Motion be continued to a
15 date in August of 2011 to allow Mr. Altemus the necessary time to return to the office and prepare
16 his opposition papers to the Motion. Mr. Ehrlinspiel agreed to change the hearing date of the Motion.
17 (Docket No. 7) Since that time, however, as set forth above, Mr. Altemus's physicians have advised
18 him that he will be unable to return to work full time until the end of August, 2011, due to his on-
19 going recovery from his cancer and chemotherapy and radiation treatments.

20 Dated: August 1, 2011.

ALTEMUS & WAGNER

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/s/ Stewart C. Altemus
Stewart C. Altemus
Attorney for Plaintiff

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Dated: August 3, 2011.

UNITED STATES OF AMERICA

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/s/ Jason Ehrlinspiel
Jason Ehrlinspiel
Assistant U.S. Attorney
Attorneys for Defendant

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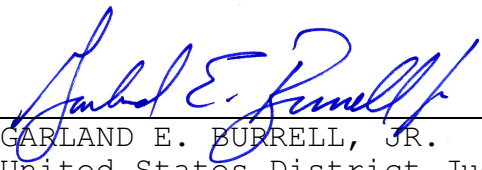
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ORDER

Pursuant to the foregoing Stipulation of the parties, the hearing on Defendant's Motion to Dismiss for Lack of Jurisdiction presently scheduled to be heard on August 22, 2011, is hereby continued to September 26, 2011 at 9:00 a.m. in Courtroom 10.

Dated: August 3, 2011



GARLAND E. BURRELL, JR.
United States District Judge