

1 CROWELL & MORING LLP
 Jennifer S. Romano (CSB No. 195953, jromano@crowell.com)
 2 515 South Flower St., 40th Floor
 Los Angeles, California 90071
 3 Telephone: 213.622.4750
 Facsimile: 213.622.2690

4 CROWELL & MORING LLP
 5 Ethan P. Schulman (CSB No. 112466, eschulman@crowell.com)
 275 Battery Street, 23rd Floor
 6 San Francisco, California 94111
 Telephone: 415.986.2800
 7 Facsimile: 415.986.2827

8 Attorneys for Defendants
 HEALTH NET OF CALIFORNIA, INC.
 9 and HEALTH NET, INC.

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

13 DWIGHT WHITAKER, individually and
 14 on behalf of a class similarly situated
 individuals,

15 Plaintiff,

16 v.

17 HEALTH NET OF CALIFORNIA, INC.;
 18 HEALTH NET, INC.; and
 INTERNATIONAL BUSINESS
 19 MACHINES CORPORATION,

20 Defendant.

Case No. 2:11-CV-00910 KJM (DADx)

CLASS ACTION

**STIPULATION AND ORDER
 EXTENDING TIME TO RESPOND TO
 COMPLAINT**

Date: n/a
 Time: n/a
 Judge: Hon. Kimberly J. Mueller

1 WHEREAS, Defendants Health Net, Inc. and International Business Machines
2 Corporation (collectively “Defendants”) currently must respond to the complaint by May 26,
3 2011;

4 WHEREAS, this case is related to the following cases pending in the Eastern District of
5 California: *Assavarungnirun v. Health Net, Inc., et al.*, Civil Case No. CV 11-1008-KJM-DAD;
6 *Avila v. Health Net, Inc., et al.*, Civil Case No. CV 11-1097-JAM-KJN; *Bowman v. Health Net,*
7 *Inc., et al.*, Civil Case No. CV 11-1320-JAM-JFM; and *Bournas v. Health Net, Inc., et al.*, Civil
8 Case No. CV 11-1262-GEB-DAD;

9 WHEREAS, Health Net has recently been informed that two additional related cases will
10 be transferred from the Central District of California to the Eastern District: *Johnston v. Health*
11 *Net, Inc., et al.*, Civil Case No. CV 11-02958 PA (JEMx); *Kirk v. Health Net, Inc.*, Civil Case No.
12 CV 11-02536 PA (JEMx);

13 WHEREAS, there are two related cases pending in the Northern District of California:
14 *Green v. Health Net, Inc., et al.*, Civil Case No. CV 11-01797 JSW and *Eandi v. Health Net, Inc.,*
15 *et al.*, Civil Case No. C 11-2002 JSW¹;

16 WHEREAS, the parties are currently in discussions regarding methods to coordinate these
17 actions;

18 WHEREAS, Plaintiff agrees that it is appropriate to extend Defendants’ time to respond to
19 the Complaint in order to permit the parties further time to discuss coordination of these actions;

20 WHEREAS, the parties previously stipulated to a 21 day extension of Defendants’ time to
21 respond;

22 THEREFORE, the parties hereby stipulate that Defendants’ time to answer or otherwise
23 respond to the Complaint shall be extended to July 11, 2011.

24 Defendants shall meet and confer with Plaintiff regarding any motion to be filed under
25 Rule 12 of the Federal Rules of Civil Procedure, as required by paragraph 4(A) of this Court’s

26 _____
27 ¹ Due to an administrative error that occurred when the case was removed from state
28 court, the *Eandi* case is also pending in the Northern District under Civil Case No. C 11-2002
JSW C 11-2025 JSW.

1 standing order, no later than one week prior to filing such a motion. The meet and confer shall
2 take place either by letter or by telephone conversation at a set and agreed upon time to
3 thoroughly discuss the basis for any Rule 12 motion and any contentions that will be raised
4 therein.

5 Dated: May 20, 2011

CROWELL & MORING LLP

7 By: /s/ Jennifer S. Romano

8 Jennifer S. Romano
9 Attorneys for Defendants
10 Health Net of California, Inc. and
11 Health Net, Inc.

12 Dated: May 20, 2011

KELLER GROVER LLP

13 By: /s/ Eric A. Grover (as authorized on 5/20/11)

14 Eric A. Grover
15 Attorneys for Plaintiff
16 Dwight Whitaker

17 Dated: May 20, 2011

QUINN EMANUEL URQUHART &
SULLIVAN LLP

18 By: /s/ Karin Kramer (as authorized on 5/20/11)

19 Karin Kramer
20 Attorneys for Defendant
21 IBM Corp.

22 ORDER

23 Based on the stipulation of the parties, and good cause appearing, the date by which
24 Defendants Health Net, Inc., Health Net of California, Inc. and IBM Corporation must answer or
25 otherwise respond to the Complaint is extended from May 26, 2011 to July 11, 2011.

26 IT IS SO ORDERED.

27 DATED: May 24, 2011.

28 
UNITED STATES DISTRICT JUDGE

DCACTIVE-15259735.1