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5	Telephone: 916.564.5400 Facsimile: 916.564.5444				
6	Attorneys for Defendant GARDNER				
7	TRUCKING, INC. a California Corporation				
8	UNITED STATES DISTRICT COURT				
9	EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION				
10					
10	DOCTORS HOSPITAL OF MANTECA,	CASE NO. 2:16-cv-02	2623-IAM-CKD		
	INC.,				
12	Plaintiff,	TO CONTINUE HE			
13	VS.	MOTION TO REMA	AND		
14	GARDNER TRUCKING, INC., a California	CURRENT DATE:	March 7, 2017		
15	Corporation and DOES 1 through 25, inclusive,	TIME: COURTROOM:	1:30 p.m. 6 – Judge Mendez		
16			C		
17	Defendants.	PROPOSED DATE: TIME:	April 18, 2017 1:30 p.m.		
18		COURTROOM:	6 – Judge Mendez		
19		Trial Date: Non	ne Set		
20	RECITALS				
21	1. WHEREAS Plaintiff DOCTORS	HOSPITAL OF MAN	TECA, INC. ("Plaintiff")		
22	initially filed suit against Defendants GARDNER TRUCKING, INC. ("Gardner Trucking") in San				
23	Joaquin County Superior Court;				
24	2. WHEREAS, Gardner Trucking filed a petition for removal on November 3, 2016				
25					
26	leading to pendency of the Present Action;				
	3. WHEREAS, there is pending in the Fresno Division of this Court the matter of				
27	Doctors Medical Center of Modesto v. Gardner Trucking, Inc., Case No. 1:16-cv-01674-DAD-				
28	SAB ("the Fresno Action"), which involves different patients, but similar allegations to the above- 4815-5261-7795.1				
	AMENDED STIPULATION AND [PROPOSED] ORD	DER TO CONTINUE HEAR MAND	ING DATE ON MOTION TO		
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1 captioned litigation;

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- 2 5. WHEREAS, in the Fresno Action, Gardner Trucking filed a petition for removal,
 3 and, on January 10, 2017, the plaintiff moved to remand that action to state court;
- 4 6. WHEREAS, on February 7, 2016, the court in the Fresno Action (U.S. District
 5 Court Judge Dale A. Drozd) conducted a hearing on the motion to remand filed in that action;
- 6 7. WHEREAS, the court in the Fresno action has not yet issued a ruling on the motion
 7 to remand filed in that action;
- 8 8. WHEREAS, on February 7, 2016, Plaintiff filed a motion to remand in this action,
 9 with the hearing scheduled to take place on March 7, 2017;
- 9. WHEREAS, the parties have agreed to continue the hearing on Plaintiff's motion to
 remand in this action so as to obtain from the court in the Fresno action a ruling on the motion to
 remand filed in that action;
- 13 10. WHEREAS, the parties have agreed that, if the court in the Fresno Action remands
 14 the Fresno Action to state court, Gardner Trucking will file a notice of non-opposition to
 15 Plaintiff's motion in the Present Action, in return for which Plaintiff will waive its request for an
 16 award of attorney's fees and costs for the motion to remand in the Present Action;
- 17 11. WHEREAS the parties' stipulation furthers the Court's and the Parties' interests in
 18 efficiency and consistent rulings, and potentially saves this Court time in researching and writing a
 19 decision on the motion to remand in the Present Action;
- 20 12. WHEREAS additional time is necessary to obtain the court's ruling in the Fresno Action. 21 111 22 23 111 /// 24 25 /// 111 26 27 /// 28 **STIPULATION** 4815-5261-7795.1 AMENDED STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE ON MOTION TO REMAND

 Finite order and agree that the hearing on Plaintiff's motion to remand be continued until April 18, 2017, and that any opposition and reply papers be filed pursuant to E.D. Cal. L.R. 230 in accordance with such hearing date. DATED: February 22, 2016 LEWIS BRISBOIS BISGAARD & SMITH 11P By: // Greg L. Johnson Greg L. Johnson Timothy J. Nally Attorneys for Defendant GARDNER TRUCKING, INC. a California Corporation DATED: February 22, 2016 HELTON LAW GROUP, APC DATED: February 22, 2016 HELTON LAW GROUP, APC DATED: February 22, 2016 HELTON LAW GROUP, APC By: // Kim Worobec Kim Worobec Attorneys for Plaintiff DOCTORS HOSPITAL OF MANTECA, INC. By: // Kim Worobec Attorneys for Plaintiff DOCTORS HOSPITAL OF MANTECA, INC. By: // Kim Worobec Attorneys for Plaintiff DOCTORS HOSPITAL OF MANTECA, INC. By: // Kim Worobec Attorneys for Plaintiff DOCTORS HOSPITAL OF MANTECA, INC. By: // Kim Worobec Attorneys for Plaintiff DOCTORS HOSPITAL OF MANTECA, INC. 	1	THEREFORE, the Parties, by and through their respective counsel of record, hereby			
 2017, and that any opposition and reply papers be filed pursuant to E.D. Cal. L.R. 230 in accordance with such hearing date. DATED: February 22, 2016 LEWIS BRISBOIS BISGAARD & SMITH 1.LP By: /s/ Greg L. Johnson Greg L. Johnson Timothy J. Nally Attorneys for Defendant GARDNER TRUCKING, INC. a California Corporation DATED: February 22, 2016 HELTON LAW GROUP, APC DATED: February 22, 2016 HELTON LAW GROUP, APC By: /s/ Kim Worobec Kim Worobec Attorneys for Plainttiff DOCTORS HOSPITAL OF MANTECA, INC. By: /s/ Kim Worobec Attorneys for Plainttiff DOCTORS HOSPITAL OF MANTECA, INC. 	2				
4 accordance with such hearing date. 5 0 7 DATED: February 22, 2016 LEWIS BRISBOIS BISGAARD & SMITH LLP 8 By: /s/ Greg L, Johnson 9 By: /s/ Greg L, Johnson 10 Timothy J, Nally 11 Attorneys for Defendant GARDNER 12 TRUCKING, INC. a California Corporation 13 DATED: February 22, 2016 HELTON LAW GROUP, APC 14 By: /s/ Kim Worobec 16 Attorneys for Plainttiff DOCTORS HOSPITAL OF MANTECA, INC. 18 OF MANTECA, INC. 19 OF MANTECA, INC. 20 Intervention 21 Attorneys for Plainttiff DOCTORS HOSPITAL OF MANTECA, INC. 23 Intervention 24 Intervention 25 Intervention 26 Intervention 27 Intervention 28 Intervention 29 Intervention 20 Intervention 21 Intervention 22 Intervention 23 Intervention	3				
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			REMAND		

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1	ORDER			
2	After full consideration of the stipulation filed and good cause appearing therefore, it is			
3	hereby ORDERED THAT Plaintiff's Motion to Remand is continued to April 18, 2017 at 1:30			
4	p.m.			
5	IT IS SO ORDERED.			
6				
7	DATED: 2/22/2017 /s/ John A. Mendez			
8	HON. JOHN A. MENDEZ			
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	REMAND			

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