

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
 GREG L. JOHNSON, SB# 132397
 2 E-Mail: Greg.Johnson@lewisbrisbois.com
 TIMOTHY J. NALLY, SB# 288728
 3 E-Mail: Timothy.Nally@lewisbrisbois.com
 2020 West El Camino Avenue, Suite 700
 4 Sacramento, California 95833
 Telephone: 916.564.5400
 5 Facsimile: 916.564.5444

6 Attorneys for Defendant GARDNER
 TRUCKING, INC. a California Corporation
 7

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
 10

11 DOCTORS HOSPITAL OF MANTECA,
 INC.,
 12
 Plaintiff,
 13
 vs.
 14 GARDNER TRUCKING, INC., a California
 15 Corporation and DOES 1 through 25,
 inclusive,
 16
 Defendants.
 17
 18

CASE NO. 2:16-cv-02623-JAM-CKD
**AMENDED STIPULATION AND ORDER
 TO CONTINUE HEARING DATE ON
 MOTION TO REMAND**
 CURRENT DATE: March 7, 2017
 TIME: 1:30 p.m.
 COURTROOM: 6 – Judge Mendez
 PROPOSED DATE: April 18, 2017
 TIME: 1:30 p.m.
 COURTROOM: 6 – Judge Mendez
 Trial Date: None Set

19
 20 **RECITALS**

21 1. WHEREAS Plaintiff DOCTORS HOSPITAL OF MANTECA, 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 leading to pendency of the Present Action;

26 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



1 captioned litigation;

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;

10 9. WHEREAS, the parties have agreed to continue the hearing on Plaintiff's motion to
11 remand in this action so as to obtain from the court in the Fresno action a ruling on the motion to
12 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
21 Action.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

STIPULATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THEREFORE, the Parties, by and through their respective counsel of record, hereby stipulate 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 LLP

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

By: /s/ Kim Worobec
Kim Worobec
Attorneys for Plaintiff DOCTORS HOSPITAL
OF MANTECA, INC.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

After full consideration of the stipulation filed and good cause appearing therefore, it is hereby ORDERED THAT Plaintiff's Motion to Remand is continued to April 18, 2017 at 1:30 p.m.

IT IS SO ORDERED.

DATED: 2/22/2017

/s/ John A. Mendez

HON. JOHN A. MENDEZ

