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 11 BPM HEALTH GROUP, LLC
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13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
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16 BPM HEALTH GROUP, LLC,

17 Plaintiff,

18 v.

19 SUTHERLAND HEALTHCARE
 20 SOLUTIONS, INC.; and DOES 1 through 10,
 Inclusive,
 21

Defendants.
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Case No. 2:18-cv-00384-MCE-EFB

**STIPULATION AND ORDER TO
 MODIFY SCHEDULING ORDER**

23 IT IS HEREBY STIPULATED AND AGREED between BPM HEALTH GROUP, LLC
 24 (“Plaintiff”) and SUTHERLAND HEALTHCARE SOLUTIONS, INC. (“Defendant”) (collectively
 25 the “Parties”), through their respective counsel, that the Initial Pretrial Scheduling Order [i.e.
 26 Document No. 2] be modified to extend the non-expert discovery deadline of February 16, 2019. In
 27 accordance with Federal Rule of Civil Procedure, Rule 16(b), the Parties submit that there is good
 28 cause for the requested modification, and respectfully request that the Court enter an Order granting

1 the modification sought herein. The good cause is as follows:

2 1. The Parties initially refrained from engaging in formal discovery in an attempt to
3 resolve this matter informally. The purpose for refraining from formal discovery was for economic
4 efficiency. In an attempt to informally resolve the case, that Parties did produce preliminary key
5 documents so that Defendants would have the opportunity to analyze Plaintiffs claims to determine
6 whether further settlement discussions may be feasible.

7 2. As part of the settlement discussions, the Parties exchanged numerous
8 correspondence and participated in multiple telephone discussions in an effort to resolve this matter.

9 3. Despite their substantial and good faith efforts to reach an early resolution of this
10 matter, the Parties recently determined that settlement efforts will not be successful without
11 completing formal discovery including the taking of certain key depositions.

12 4. Because many of the witnesses involved in this case reside out of state, and some
13 even potentially out of country, the scheduling of these depositions will take more time than remains
14 in the current non-expert discovery cut-off order.

15 5. Because the deposition of these witnesses will be vital to re-examining the further
16 potential for settlement, the Parties agree that extending the non-expert discovery deadline as
17 follows:

18 a) The parties shall issue all initial written requests for documents and interrogatories
19 on or before March 15, 2019;

20 b) The parties shall complete the production of documents on or before August 2, 2019;

21 c) The parties shall complete depositions of fact witnesses on or before September 27,
22 2019; and

23 d) The parties shall complete all non-expert discovery on or before October 1, 2019;
24 and

25 6. The foregoing schedule may be further extended only for good cause.

26 7. The failure of any party to adhere to the foregoing schedule shall constitute a waiver
27 of that party's ability to take further fact discovery in this action.

28 8. NOW, THEREFORE, the Parties jointly request and HEREBY STIPULATE that the

1 deadline for non-expert discovery be extended to October 1, 2019 in accordance with the foregoing
2 schedule.

3 Dated: January 25, 2019

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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6 By: /s/ Ryan D. Marshall
 Ryan D. Marshall
 Attorneys for Plaintiff
 BPM HEALTH GROUP, LLC

9 Dated: January 25, 2019

WOODS OVIATT GILMAN LLP

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12 By: /s/ Brian J. Capitemmino
 Brian J. Capitemmino
 Attorneys for Defendant
13 SUTHERLAND HEALTHCARE SOLUTIONS,
14 INC.

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ORDER

Pursuant to the Stipulation of the Parties (ECF No. 17), and good cause appearing therein, the non-expert discovery deadline is hereby extended to **October 1, 2019** and all related dates described in the Court's Initial Pretrial Scheduling Order of February 20, 2018 (ECF No. 2) shall be calculated in accordance with that new non-expert discovery deadline.

IT IS SO ORDERED.

Dated: January 28, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On January 25, 2019, I served true copies of the following document(s) described as **STIPULATION AND ORDER TO MODIFY SCHEDULING ORDER** on the interested parties in this action as follows:

Erich Drotleff, Esq. Director, Legal Counsel Sutherland Healthcare Solutions, Inc. 2 Brighton Road, #300 Clifton, New Jersey 07012	Brian J. Capitulo Warren B. Rosenbaum Woods, Oviatt Gilman LLP 700 Crossroads Building 2 State street Rochester, NY 14614
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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 25, 2019, at Fresno, California.

/s/ Cydney M. Gonzales
Cydney M. Gonzales