

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

Adya S. Baker (DC Bar No. 1025477 *pro hac vice*)  
ZWILLGEN PLLC  
1900 M Street NW, Suite 250  
Washington, DC 20036  
Telephone: (202) 706-5225  
Facsimile: (202) 706-5298  
[adya@zwillgen.com](mailto:adya@zwillgen.com)

Anna Hsia (SBN 234179)  
ZWILLGEN LAW LLP  
369 Pine Street, Suite 506  
San Francisco, CA 94104  
Telephone: (415) 590-2335  
Facsimile: (415) 636-5965  
[anna@zwillgen.com](mailto:anna@zwillgen.com)

Attorneys for Defendant  
**AXIS INSURANCE COMPANY**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JAIMI O'BRIEN, et al.,  
  
                    Plaintiffs,  
  
                    v.  
  
HII INSURANCE SOLUTIONS, et al.  
  
                    Defendants.

Case No. 2:20-cv-02115 KJM-AC  
Honorable Kimberly J. Mueller

**JOINT STIPULATION EXTENDING CASE  
SCHEDULING ORDER DEADLINES;  
ORDER**

1 Plaintiffs Jaimi O'Brien and Sean O'Brien ("Plaintiffs") and Defendants Health Plan  
2 Intermediaries Holdings, LLC ("HPIH"), Benefytt Technologies, Inc. f/k/a Health Insurance  
3 Innovations, Inc. ("Benefytt"), and AXIS Insurance Company ("AXIS," and, together with HPIH and  
4 Benefytt, "Defendants") hereby stipulate and agree that good cause exists for extending expert  
5 discovery and dispositive motion hearing deadlines, as follows:

6 WHEREAS, on February 19, 2021, this Court entered a scheduling order [ECF No. 37] which  
7 set, among other things, the following expert discovery and dispositive motion hearing deadlines in  
8 this action:

- 9 • all expert discovery shall be completed by 11/19/2021; and
- 10 • all dispositive motions, except for motions for continuances, temporary restraining  
11 orders or other emergency applications, shall be heard by 12/17/2021.

12 WHEREAS, on April 9, 2021, Plaintiffs filed their Second Amended Complaint ("SAC")  
13 (ECF No. 39), and Defendants filed their respective Motions to Dismiss on April 23, 2021 (ECF  
14 Nos. 41 and 42).

15 WHEREAS, the Court has not ruled on Defendants' pending Motions to Dismiss and,  
16 therefore, Defendants have not answered the SAC.

17 WHEREAS, on October 18, 2021, Plaintiffs disclosed one expert witness who they  
18 retained and, on November 1, 2021, Defendants disclosed one rebuttal expert witness.

19 WHEREAS, the parties intend to conduct depositions of these expert witnesses, and  
20 Plaintiffs' expert is not available to be deposed before the scheduled close of expert discovery on  
21 November 19, 2021.

22 WHEREAS, the holidays are approaching which create difficulties in scheduling the expert  
23 depositions before the end of 2021.

24 WHEREAS, the parties promptly met and conferred on the need to extend the deadlines  
25 for expert discovery and dispositive motions to be heard as soon as the scheduling conflicts  
26 became apparent.

27 WHEREAS, the Court has not set a pre-trial conference date or trial date in this case.

28 WHEREAS, this is the first request by the parties for any extension to the deadlines

1 identified in the February 19, 2021 scheduling order, including the expert discovery and  
2 dispositive motion hearing deadlines. An extension to these particular deadlines will not prejudice  
3 the parties.

4 WHEREAS, Plaintiffs requested a case management / scheduling conference and this  
5 stipulation does not supersede that request.

6 WHEREFORE, the parties agree to extend the remaining scheduling order deadlines to  
7 accommodate the completion of expert discovery, resolution of the Motions to Dismiss currently  
8 pending before the Court, and preparation of dispositive motions, as follows:

- 9 • expert discovery shall be completed by January 14, 2022; and
- 10 • all dispositive motions, except for motions for continuances, temporary restraining  
11 orders or other emergency applications, shall be heard by March 18, 2022.

12  
13 **IT IS SO STIPULATED**

14 DATED: November 12, 2021

**MANNION LOWE & OKSENENDLER**

15 By: /s/ Demián I. Oksenendler (as authorized on 11/12/21)  
16 Demián I. Oksenendler (SBN #233416)  
17 Attorneys for Plaintiffs  
Jaimi O'Brien and Sean O'Brien

18 DATED: November 12, 2021

**ZWILLGEN LAW LLP**

19 By: /s/ Adya S. Baker  
20 Adya S. Baker (DC Bar No. 1025477 *pro hac vice*)  
21 Attorney for Defendant  
AXIS INSURANCE COMPANY

22 DATED: November 12, 2021

**LOCKE LORD LLP**

23 By: /s/ Mitchell J. Popham (as authorized on 11/12/21)  
24 Mitchell J. Popham (SBN #126194)  
25 William Mullen  
26 Attorneys for Defendants HEALTH PLAN  
27 INTERMEDIARIES HOLDINGS, LLC and BENEFYTT  
28 TECHNOLOGIES, INC. F/K/A HEALTH INSURANCE  
INNOVATIONS, 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**

GOOD CAUSE APPEARING, the court hereby approves the Joint Stipulation Extending Case Scheduling Order Deadlines.

- expert discovery shall be completed by January 14, 2022; and
- all dispositive motions, except for motions for continuances, temporary restraining orders or other emergency applications, shall be heard by April 15, 2022.

The plaintiff's request for a scheduling conference to extend deadlines, ECF No. 54, is denied as moot.

**IT IS SO ORDERED.**

DATED: November 16, 2021.

  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE