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18 IN THE UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA
20

21 GEORGE BEITZEL, KATHERINE KRAIG,
and SHARON GOLDSTEIN, on behalf of
22 themselves and all others similarly situated,

23 Plaintiffs,

24 v.

25 XAVIER BECERRA, Secretary of Health and
Human Services,
26

27 Defendant.
28

Case No. 2:23-cv-01932-WBS-DB

**STIPULATION AND ORDER FOR (1)
STAYING BRIEFING ON PLAINTIFFS'
MOTION TO CERTIFY CLASS (ECF 27);
AND (2) SETTING BRIEFING SCHEDULE
ON DEFENDANT'S MOTION TO DISMISS
(ECF 29)**

1 **STIPULATION AND ORDER**

2 IT IS HEREBY STIPULATED, by and among the parties and subject to Court approval, that:
3 (1) briefing on Plaintiffs’ Motion to Certify Class (ECF 27) shall be stayed until after resolution
4 of Defendant’s Motion to Dismiss (ECF 29); and
5 (2) Plaintiffs’ Opposition to Defendant’s Motion to Dismiss shall be filed on or before
6 February 16, 2024, and Defendant’s Reply shall be filed on or before March 1, 2024.

7 In support of their stipulation and proposed order, the parties respectfully submit that, to further
8 the orderly and efficient administration of this case, *see* Fed. R. Civ. P. 1, Defendant’s Motion to
9 Dismiss should be resolved before briefing and a decision on Plaintiffs’ Motion to Certify Class. The
10 parties also met and conferred to determine a workable briefing schedule on the Motion to Dismiss,
11 given deadlines and events in other matters.

12
13 Dated: February 2, 2024

Respectfully submitted,

CENTER FOR MEDICARE ADVOCACY

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15 By: /s/ Alice Bers (authorized 2/2/2024)
16 ALICE BERS

Attorneys for Plaintiffs

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18 PHILLIP A. TALBERT
19 United States Attorney

20 By: /s/ Joseph B. Frueh
21 JOSEPH B. FRUEH
22 Assistant United States Attorney

Attorneys for Defendant
23 XAVIER BECERRA
24 Secretary of Health and Human Services

25 **IT IS SO ORDERED.**

26 Dated: February 2, 2024



27 **WILLIAM B. SHUBB**
28 **UNITED STATES DISTRICT JUDGE**