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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 EUREKA DIVISION

13 UKIAH VALLEY MEDICAL CENTER,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 SYLVIA M. BURWELL, Secretary of the United)
 States Department of Health and Human Services,)
 17 Defendant.)
 18 _____)

No. C 1:15-5039 NJV

**REQUEST FOR RELIEF FROM
 ORDER SETTING INITIAL CASE
 MANAGEMENT DEADLINES;
 PROPOSED SCHEDULE AND
 ORDER**

19 Counsel for Defendant Sylvia M. Burwell, the Secretary of the United States Department of Health
 20 and Human Services and Plaintiff Ukiah Valley Medical Center hereby submit this request for relief
 21 from the Order Setting Initial Case Management Deadlines (ECF No. 5). In support of this application,
 22 the parties state:

23 1. Plaintiff's Complaint seeks judicial review on an administrative record pursuant to 5 U.S.C.
 24 § 706 (the Administrative Procedure Act) and Local Rule 16-5. The Court's role is limited to a review
 25 of the administrative record, which was lodged with the Court by the Defendant on February 5, 2016.
 26 As such, the parties in this case are exempt from initial disclosures under Federal Rule of Civil
 27 Procedure 26(a)(1)(B)(i) and discovery is not available in this matter.
 28

REQUEST FOR RELIEF FROM CMC DEADLINES; PROPOSED SCHEDULE AND ORDER
 C 1:15-5039 NJV

1 2. Because this matter involves only a review of the administrative record, the parties have agreed
2 that this matter can be fully resolved by the submission of legal briefs pursuant to Local Rule 16-5. The
3 parties therefore request relief from filing a Rule 26(f) Report and Case Management Statement, and do
4 not believe that the initial case management conference, currently scheduled for February 23, 2016, is
5 necessary.

6
7 3. Due to other work related commitments counsel for Plaintiff has in the months of February and
8 March, it will be very difficult for Plaintiff to submit its motion for summary judgment in this matter
9 within the time frame normally contemplated by Local Rule 16-5 and therefore, with the consent of the
10 Defendant, Plaintiff is seeking relief from that time standard by approximately thirty (30) days, as
11 indicated below.

12 4. In lieu of a scheduling conference, consistent with the requests for relief set forth in paragraphs 2
13 and 3 above, the parties propose the following schedule for submission of briefs in accordance with
14 Local Rule 16-5:

- 15 - Plaintiff's Motion for Summary Judgment: April 4, 2016
- 16 - Defendant's Opposition and Cross-Motion: May 2, 2016
- 17 - Plaintiff's Reply: May 16, 2016

18
19 The parties do not propose a date for hearing on the motions, in compliance with Local Rule
20 16-5. However, the parties will be prepared to present oral arguments on the issues discussed in the
21 briefs if it will assist the Court. A Proposed Order is attached.

22
23 Respectfully submitted,

24 BRIAN J. STRETCH
25 Acting United States Attorney

26 Dated: February 8, 2016

27 By: /s/ Kimberly Friday
28 KIMBERLY FRIDAY
Assistant United States Attorney

1 Dated: February 8, 2016

2 By: /s/ Jordan Keville
3 PATRIC HOOPER
4 JORDAN KEVILLE
5 Hooper, Lundy & Bookman, P.C.
6 Attorneys for Plaintiff

7 **~~PROPOSED~~ ORDER**

8 Pursuant to Federal Rule of Civil Procedure 26(a)(1)(B)(i) and Local Rule 16-5, the parties are
9 relieved from the obligation to file a Rule 26(f) Report and Joint Case Management Statement, and the
10 Initial Case Management Conference scheduled for February 23, 2016 is hereby cancelled. The parties
11 shall adhere to the following schedule in filing briefs with the Court:

- 12
- 13 - Plaintiff's Motion for Summary Judgment: April 4, 2016
 - 14 - Defendant's Opposition and Cross-Motion: May 2, 2016
 - 15 - Plaintiff's Reply: May 16, 2016

16 **SO ORDERED.**

17

18 DATED: February 9, 2016

19 
20 HONORABLE NANDOR J. VADAS
21 UNITED STATES MAGISTRATE JUDGE