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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 COUNTY OF SANTA CRUZ, COUNTY OF )  
SONOMA, COUNTY OF SAN DIEGO, )  
14 COUNTY OF MARIN, COUNTY OF SANTA )  
BARBARA, COUNTY OF SAN LUIS )  
15 OBISPO, COUNTY OF MONTEREY, )  
THEODORE M. MAZER, M.D., WOLBERS )  
16 AND POREE MEDICAL CORPORATION, )  
on behalf of themselves and all others similarly )  
17 situated, )

Case No. 3:07-cv-02888-JSW

**STIPULATION AND ~~PROPOSED~~  
SCHEDULING ORDER**

Hon. Jeffrey S. White  
Courtroom: 11

18 Plaintiffs, )

19 v. )

20 KATHLEEN SEBELIUS, SECRETARY OF )  
THE UNITED STATES DEPARTMENT OF )  
21 HEALTH AND HUMAN SERVICES, )

22 Defendant. )  
23 )  
24 )  
25 )  
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28 )

**STIPULATION**

1  
2 WHEREAS on September 23, 2011, Defendant, KATHLEEN SEBELIUS, Secretary of the  
3 United States Department of health and Human Services, through counsel, James D. Todd, Jr., and  
4 Plaintiffs, COUNTY OF SANTA CRUZ, et al., through counsel, Dario de Ghetaldi, entered into a  
5 Stipulation and Scheduling Order, Dkt 95, requesting that the Court order the Case Management  
6 Conference then set for September 30, 2011, and all associated filing deadlines be taken off calendar  
7 while the parties pursued settlement discussions;

8 WHEREAS the Court, based upon the stipulation of the parties and good cause appearing,  
9 ordered that the Case Management Conference then scheduled for September 30, 2011, and all  
10 associated filing deadlines be taken off calendar, and further ordered that the parties were to provide  
11 the Court with a status report of their settlement discussions at a case management conference on  
12 December 9, 2011, at 1:30 p.m., at which the Court ordered counsel for Defendant would be  
13 permitted to appear by telephone;

14 WHEREAS on November 2, 2011, counsel for the parties met in Washington, D.C., and  
15 engaged in direct settlement discussion of all issues raised in the First Amended Complaint;

16 WHEREAS on November 3, 2011, counsel, expert consultants, a representative of plaintiffs,  
17 agency administrators, and agency staff met in Baltimore, Maryland, and engaged in all-day direct  
18 settlement discussions of all issues raised in the First Amended Complaint;

19 WHEREAS since November 3, 2011, counsel for the parties have engaged in direct  
20 settlement discussions and exchange of data and other information on at least a weekly basis; and

21 WHEREAS it is contemplated that in January, 2012, counsel, expert consultants and party  
22 representatives will resume direct settlement discussions of all issues raised in the First Amended  
23 Complaint.

24 THEREFORE, the parties hereby respectfully request by and through their counsel of record  
25 that the Court order that the Case Management Conference scheduled for December 9, 2011, at 1:30  
26 p.m., and all associated filing deadlines be taken off calendar while they continue to pursue  
27 settlement discussions. The parties further respectfully request that the Court reschedule a case  
28 management conference to take place, pursuant to Local Civil Rule 16-10(a), with counsel for

1 Defendant to appear by telephone, for mid-March, 2012, at which time counsel will provide the  
2 Court with a status report on the progress of settlement discussions.

3 Dated: December 2, 2011

4 /s/ Dario de Ghetaldi  
5 Dario de Ghetaldi  
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13 Attorney for Plaintiffs

/s/ James D. Todd, Jr.  
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Attorneys for Defendant

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~~PROPOSED~~ ORDER

Based on the stipulation of the parties and good cause appearing, it is hereby ordered that the hearing on Defendant's Motion to Dismiss the First Amended Complaint currently set for December 9, 2011, and all associated filing deadlines be taken off calendar. It is further ordered that the parties appear by telephone at a case management conference on March 16, 2012, at 1:30 p.m., to provide the Court with a status report of their settlement discussions.

Dated: December 5, 2011

  
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Hon. Jeffrey S. White  
District Judge