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10 Attorneys for Defendant  
 11 HEALTH PLAN OF NEVADA, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 CHILDREN’S HOSPITAL AND )  
 15 RESEARCH CENTER AT OAKLAND, )  
 16 Plaintiff, )

Case No.: C07-06069 SC

**STIPULATION AND ORDER TO  
 CONTINUE TRIAL**

17 vs. )

18 HEALTH PLAN OF NEVADA, INC.; And )  
 DOES 1 THROUGH 25, INCLUSIVE,, )  
 19 Defendants. )  
 20 )

Original Removal filed November 30, 2007

21 **STIPULATION AND ORDER TO CONTINUE TRIAL DATE**  
 22 (First Request)

23 IT IS HEREBY STIPULATED AND AGREED between Plaintiff, CHILDREN’S  
 24 HOSPITAL AND RESEARCH CENTER AT OAKLAND, and Defendant, HEALTH PLAN OF  
 25 NEVADA, INC., through their respective undersigned counsel, as follows:

- 26 1. The parties agree that good cause exists to continue the trial date, currently  
 27 scheduled for November 17, 2008.

1 2. Good cause exists because (a) plaintiff's counsel will be going on maternity leave  
2 in November 2008 and will not return until March 2009; and (b) defendant Health Plan of  
3 Nevada's recently amended answer asserts a new counter-claim which may require additional  
4 discovery.

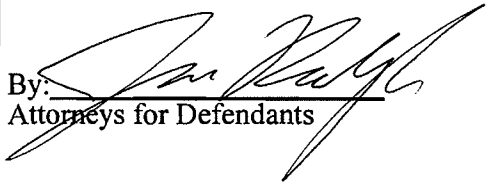
5 3. The parties agree and request that a trial date be continued to April 13, 2009 or as  
6 close to that date as this Court sees fit.

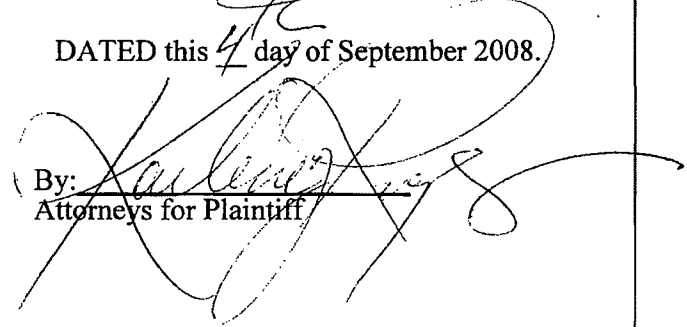
7 4. The associated discovery cut-off date is changed from September 17, 2008 to  
8 February 12, 2009 or a date 60 days before the new trial date.

9 5. The associated deadline to file dispositive motions be extended from October 17,  
10 2008 to March 13, 2009 or a date 30 days prior to the new trial date.

11  
12 DATED this 4<sup>th</sup> day of September 2008.

DATED this 4<sup>th</sup> day of September 2008.

13  
14 By:   
15 Attorneys for Defendants

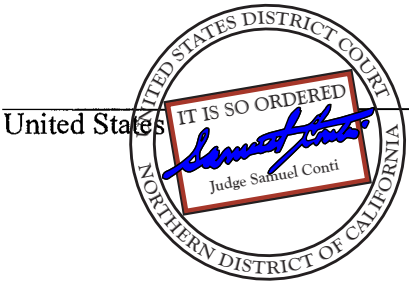
By:   
Attorneys for Plaintiff

17 **ORDER**

18 Good cause exists to continue the current trial date and discovery cut off dates. The current  
19 trial date of November 17, 2008 is hereby vacated and trial is continued to April 6, 2009.  
20 Discovery must be completed by February 6, 2009. ~~Dispositive motions must~~  
21 ~~be filed by~~ Last date motions can be hearing March 6, 2009 @ 10:00 A.M.

22 IT IS SO ORDERED.

23 Dated this 9 day of September, 2008.



28 C4876\441590

**CERTIFICATE OF SERVICE  
(28 U.S.C. §1746)**

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P.O. Box 12925, Oakland, California 94604-2925.

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **STIPULATION AND ORDER TO CONTINUE TRIAL**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on September 5, 2008

  
\_\_\_\_\_  
ALEXINE BRAUN

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