

E-Filed 11/22/11

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 KAISER FOUNDATION HOSPITALS, and
 11 THE PERMANENTE MEDICAL GROUP, INC.

12 [Plaintiffs' Counsel listed on next page.]

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 BRENDA HILL, MEDHANIE
 16 BERNE, PATSY HARDY,
 MICHELLE MIKE, EVELYN
 17 JENNINGS and RENA
 HARRISON, on behalf of
 18 themselves and all others similarly
 19 situated,

20 Plaintiffs,

21 vs.

22 KAISER FOUNDATION HEALTH
 PLAN, INC.; KAISER
 23 FOUNDATION HOSPITALS,
 INC.; and THE PERMANENTE
 24 MEDICAL GROUP, all doing
 business as KAISER
 25 PERMANENTE MEDICAL CARE
 PROGRAM,

26 Defendants.
27

Case No. CV 10 2833-RS

**STIPULATION AND [PROPOSED] ORDER
 RESCHEDULING CASE MANAGEMENT
 CONFERENCE**

Judge: Hon. Richard Seeborg
 Department: Courtroom 3, 17th Floor

Complaint Filed: June 28, 2010

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23 BRENDA HILL, MEDHANIE BERNE,
24 PATSY HARDY, MICHELLE MIKE,
25 EVELYN JENNINGS and RENA HARRISON,
26 on behalf of themselves and all others similarly situated
27
28

1 IT IS HEREBY STIPULATED by and among the Plaintiffs, Brenda Hill,
2 Medhanie Berne, Patsy Hardy, Michelle Mike, Evelyn Jennings and Rena Harrison (hereinafter
3 “Plaintiffs”), by and through their counsel of record, Jeremy L. Friedman, Gordon W. Renneisen
4 of Cornerstone Law Group, and Kendra L. Tanacea of Law Offices of Kendra L. Tanacea, and
5 Defendants Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, and The
6 Permanente Medical Group, Inc. (hereinafter “Defendants”), by and through their counsel of
7 record, Nancy L. Abell and Heather A. Morgan of Paul Hastings LLP, as set forth below.

8 WHEREAS:

9 1. In accordance with the Court’s Order of August 1, 2011, Plaintiffs filed a
10 Second Amended Complaint on September 8, 2011,

11 2. Defendants timely filed a Motion to Dismiss Plaintiffs’ Second Amended
12 Complaint or, in the Alternative, to Strike and for a More Definite Statement (the “Motion to
13 Dismiss” or the “Motion”). Defendants’ Motion in part seeks an order dismissing all class
14 allegations set forth in the Second Amended Complaint or, in the alternative, requiring Plaintiffs
15 to provide a more definite, narrower class definition

16 3. Plaintiffs oppose Defendants’ Motion to Dismiss and the Motion has been
17 fully briefed. It is set for hearing on December 1, 2011.

18 4. A Case Management Conference currently is set for December 15, 2011.
19 By December 1, 2011, the parties are to file an updated Joint Case Management Statement,
20 together with a proposed, comprehensive, pre-class-certification discovery schedule (including
21 any proposals re limitations or modifications of discovery rules) and a proposed briefing and
22 hearing schedule for the motion for class certification

23 5. Under the current schedule, the parties would have to prepare the Joint
24 Case Management Statement and proposed, pre-class-certification discovery schedule before
25 arguing the Motion to Dismiss or receiving the Court’s ruling on it.

26 6. The parties have concluded that it would not be practicable to prepare a
27 comprehensive, pre-class-certification discovery schedule or a proposed briefing and hearing
28 schedule for the motion for class certification until after the Court has ruled on the Motion to

1 Dismiss and the parties know whether (a) the case will be litigated based on the class definition
2 set forth in the Second Amended Complaint, (b) the Court will grant Defendants' motion to
3 dismiss all class allegations set forth in the Second Amended Complaint, or (c) the Court will
4 grant Defendants' alternative motion for an order requiring Plaintiffs to provide a more definite,
5 narrower class definition.

6 7. Although the parties have exchanged Rule 26 disclosures and an initial
7 round of discovery responses, it would not be practicable to conduct depositions or a new round
8 of written discovery relating to class certification issues before the Court rules on the Motion to
9 Dismiss. The Court's August 1, 2011 Order in part provides: "The parties will not proceed with
10 any further discovery until the earlier of . . . the date that the Court rules on a motion filed by
11 Defendants in response to any Second Amended Complaint filed by Plaintiffs, or . . . the date that
12 Defendants file an answer."

13 THEREFORE, THE PARTIES HEREBY STIPULATE, AND JOINTLY
14 REQUEST THE COURT TO ORDER THAT:

15 1. The Case Management Conference currently set for December 15, 2011
16 will be rescheduled for February 2, 2012.

17 2. The parties will have until January 19, 2012 to file an updated Joint Case
18 Management Statement, together with a proposed, comprehensive, pre-class-certification
19 discovery schedule (including any proposals re limitations or modifications of discovery rules)
20 and a proposed briefing and hearing schedule for the motion for class certification.

21
22 **ORDER**

23
24 IT IS SO ORDERED.

25
26 Dated: 11/22/11

27 
28 HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

1 Dated: November 22, 2011

2 Respectfully Submitted By:

3 NANCY L. ABELL
4 HEATHER A. MORGAN
5 PAUL HASTINGS LLP

6 By: /s/ Nancy L. Abell
 NANCY L. ABELL

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