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 15 Plaintiff Catherine Eandi

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION**

18
 19 CATHERINE EANDI, on behalf of herself and all
 others similarly situated,

20 Plaintiff,

21 v.

22 HEALTH NET OF CALIFORNIA, INC.;
 23 HEALTH NET, INC.; IBM CORPORATION;
 24 DOES 1-25, inclusive,

25 Defendants.

Case No. 3:11-cv-2002-JSW

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~] ORDER
 TO CONSOLIDATE AND TRANSFER
 CASES TO THE EASTERN DISTRICT OF
 CALIFORNIA**

1 The parties, by and through their attorneys of record, hereby stipulate as follows:

2 Whereas, on March 22, 2011, Plaintiff Catherine Eandi filed this class action against Defendants
3 Health Net, Inc., Health Net of California, Inc. (collectively "Health Net"), International Business
4 Machines Corporation ("IBM"), and Does 1-25 in the Superior Court for the County of San Francisco,
5 Case No. CGC-11-509415;

6 Whereas, on April 25, 2011, Health Net filed a notice of removal to the United States District
7 Court for the Northern District of California. The case was assigned to the Honorable Laurel Beeler,
8 No. 3:11-cv-2002 ("*Eandi I*");

9 Whereas, on April 25, 2011, IBM filed a notice of removal to the United States District Court for
10 the Northern District of California. The case was assigned to the Honorable Laurel Beeler, No. 3:11-cv-
11 2025 ("*Eandi II*");

12 Whereas, pursuant to the parties' joint motion, on May 9, 2011, *Eandi I* and *Eandi II* were
13 ordered related to the matter of *Green v. Health Net, Inc.*, No. 3:11-cv-1797, and re-assigned to the
14 Honorable Jeffrey S. White;

15 Whereas, numerous other proposed class actions have been filed in federal courts throughout
16 California, involving the same defendants and overlapping classes, including the following four cases
17 filed in the Eastern District of California: *Whitaker v. Health Net of California, Inc.*, No. 11-cv-910;
18 *Assavarungnirum v. Health Net of California, Inc.*, No. 11-cv-1008; *Avila v. Health Net, Inc.*, No. 11-
19 cv-1097; *Bournas v. Health Net, Inc.*, No. 11-cv-1262; and the following three actions filed in the
20 Central District: *Bowman v. Health Net, Inc.*, No. 11-cv-1320; *Johnston v. Health Net, Inc.*, No. 11-cv-
21 02958, and *Kirk v. Health Net, Inc.*, No. 11-cv-02536;

22 Whereas, pursuant to 28 U.S.C. § 1404(a), the Honorable Percy Anderson of the Central District
23 transferred *Bowman v. Health Net, Inc.*, No. 11-cv-1320, *Johnston v. Health Net, Inc.*, No. 11-cv-02958,
24 and *Kirk v. Health Net, Inc.*, No. 11-cv-02536 to the Eastern District of California for the convenience of
25 the parties and in the interests of justice;

26 Whereas, Judge Anderson found, and the parties do not here dispute, that the requirements for a
27 transfer under 28 U.S.C. § 1404(a) are met: the Eastern District is convenient for the parties and
28

1 witnesses; that district has easier access to evidence not available in electronic format; it has subject-
2 matter jurisdiction and personal jurisdiction over the parties; venue is proper; and several other cases are
3 pending there;

4 Whereas, it would be inefficient, expensive, and could lead to inconsistent results to have this
5 case pending in a different District from the other cases addressing the same event;

6 Whereas, for the reasons described above and for the reasons discussed in the *Bowman* order, *see*
7 Exhibit A, transfer of this case to the Eastern District of California is appropriate under 28 U.S.C. §
8 1404(a);

9 Whereas, to maintain an accurate record of the underlying proceedings, the *Eandi I* and *Eandi II*
10 actions should be consolidated prior to transfer pursuant to Federal Rule of Civil Procedure 42(a)(2)
11 because they involved the exact same parties, the same questions of law and fact, and arise from the
12 same underlying complaint that was removed from the San Francisco Superior Court;

13 Whereas, the Defendants shall have the time to respond to the complaint in the *Eandi* actions
14 extended from June 2, 2011 to July 11, 2011;

15 Therefore, the parties hereby stipulate that the *Eandi I* and *Eandi II* actions:

- 16 1. Shall be consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2)
17 because they involve the exact same parties, the same questions of law and fact,
18 and arise from the same underlying complaint;
- 19 2. Shall be transferred to the Eastern District of California under 28 U.S.C.
20 § 1404(a) for the convenience of parties and witnesses and in the interests of
21 justice; and
- 22 3. The time for the Defendants to respond to the *Eandi* complaint shall be extended
23 from June 2, 2011 to July 11, 2011.

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DATED: May 24, 2011

QUINN EMANUEL URQUHART &
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By /s/ Karin Kramer

Karin Kramer
Attorneys for Defendant International Business
Machines Corporation

DATED: May 24, 2011

GIRARD GIBBS LLP

By /s/ Eric H. Gibbs

Eric H. Gibbs
Attorneys for Plaintiff Catherine Eandi

DATED: May 24, 2011

CROWELL & MORING LLP

By /s/ Ethan P. Schulman

Ethan P. Schulman
Attorneys for Defendants Health Net of
California, Inc. and Health Net, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 26, 2011



Hon. Jeffrey S. White