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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 COVENANT CARE CALIFORNIA, LLC,
17 d/b/a GRANT CUESTA NURSING AND
REHABILITATION CENTER,

18 Petitioner,

19 v.

20 SERVICE EMPLOYEES
21 INTERNATIONAL UNION, UNITED
HEALTHCARE WORKERS-WEST,

22 Respondent.
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BRUCE A. HARLAND (No. 230477)
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3:11-cv-2217 JSW
No. ~~5:11-cv-02217~~ PSG

Action Filed: May 5, 2011

Judge Jeffrey S. White

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO COORDINATE BRIEFING
SCHEDULE AND CONTINUE CASE
MANAGEMENT CONFERENCE**

Petitioner and Cross-Respondent Covenant Care California, LLC, d/b/a Grant Cuesta Nursing and Rehabilitation Center (“Covenant Care”), and Respondent and Cross-Petitioner Service Employees International Union, United Healthcare Workers-West (“UHW”), by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, on May 5, 2011, Covenant Care filed a Petition to Vacate Arbitration Award, Or, In The Alternative, Correct Arbitration Award;

WHEREAS, on June 9, 2011, UHW filed a Cross-Petition to Confirm Arbitration Award;

WHEREAS, both parties intend to file Motions for Summary Judgment seeking that their petitions be granted;

WHEREAS, both parties agree that the cross-motions should be heard at the same time; and

WHEREAS, it best serves the interests of judicial economy to establish a coordinated briefing schedule and common hearing date for the Cross-Motions for Summary Judgment, as the motions will raise essentially the same issues;

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Covenant Care shall file a Motion for Summary Judgment (seeking to vacate the arbitration award) on or before November 15, 2011.

2. UHW shall file a Cross-Motion for Summary Judgment (seeking to confirm the arbitration award), which shall include, in the same document, UHW’s opposition to Covenant Care’s Motion for Summary Judgment, on or before December 6, 2011.

3. Covenant Care shall file an Opposition to UHW’s Cross-Motion for Summary Judgment, which shall include, in the same document, Covenant Care’s Reply, if any, in support of its Motion for Summary Judgment, on or before December 20, 2011.

4. UHW may file a Reply in support of its Cross-Motion for Summary Judgment on or before January 5, 2011.

5. The hearing on the Cross-Motions for Summary Judgment shall be heard on February 3, 2011, at 9:00 a.m. The initial case management conference (CMC) shall, with

the Court's approval, be set for the same time on February 3, 2011. If a later CMC date is set, or if the CMC is continued on the Court's motion, the hearing on the parties' cross-motions will be reset to such later or continued date. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(B)(ix) and Local Rule 16-2(d), and because the cross-motions for summary judgment are likely to resolve this case in its entirety, the parties are relieved of any obligation to conduct a Rule 26(f) conference, select a plan for alternative dispute resolution, or file a CMC statement.

DATED: October 6, 2011.

DAVID S. DURHAM
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HOWARD RICE NEMEROVSKI CANADY
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By: /s/ Christopher Scanlan
CHRISTOPHER T. SCANLAN

Attorneys for Petitioner COVENANT CARE
CALIFORNIA, LLC, d/b/a GRANT CUESTA
NURSING AND REHABILITATION CENTER

DATED: October 4, 2011.

BRUCE A. HARLAND
MANUEL A. BOIGUES
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By: /s/ Yuri Y. Gottesman¹
YURI Y. GOTTESMAN

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SERVICE EMPLOYEES INTERNATIONAL
UNION, UNITED HEALTHCARE WORKERS—
WEST

¹Counsel e-filing this document represents that he has obtained the permission of Yuri Y. Gottesman, counsel for Respondent/Cross-Petitioner, to file this Stipulation and [Proposed] Order on Respondent/Cross-Petitioner's behalf.

GENERAL ORDER 45 ATTESTATION

I, Christopher T. Scanlan, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO COORDINATE BRIEFING SCHEDULE AND CONTINUE CASE MANAGEMENT CONFERENCE. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

Dated: October 6, 2011.

By: /s/ Christopher Scanlan
CHRISTOPHER T. SCANLAN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 11, 2011.

By: 
Hon. Jeffrey S. White
United States District Judge