

1 DAVID S. DURHAM (No. 76296)
2 ddurham@howardrice.com
3 CHRISTOPHER T. SCANLAN (No.
4 211724)
5 cscanlan@howardrice.com
6 JENNIFER GAARDER-WANG (No.
7 250803)
8 jgaarder-wang@howardrice.com
9 HOWARD RICE NEMEROVSKI
10 CANADY FALK & RABKIN
11 A Professional Corporation
12 Three Embarcadero Center, 7th Floor
13 San Francisco, California 94111-4024
14 Telephone: 415/434-1600
15 Facsimile: 415/677-6262

16 Attorneys for Petitioner
17 COVENANT CARE CALIFORNIA,
18 LLC, D/B/A GRANT CUESTA
19 NURSING AND REHABILITATION
20 CENTER

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 COVENANT CARE CALIFORNIA, LLC,
25 d/b/a GRANT CUESTA NURSING AND
26 REHABILITATION CENTER,

27 Petitioner,

28 v.

29 SERVICE EMPLOYEES
30 INTERNATIONAL UNION, UNITED
31 HEALTHCARE WORKERS-WEST,

32 Respondent.

33 BRUCE A. HARLAND (No. 230477)
34 MANUEL A. BOIGUES (No. 248990)
35 YURI Y. GOTTESMAN (No. 246924)
36 WEINBERG, ROGER & ROSENFELD
37 A Professional Corporation
38 1001 Marina Village Parkway, Suite 200
39 Alameda, California 94501-1091
40 Telephone: 510/337-1001
41 Fax: 510/337-1023

42 Attorneys for Respondent/Cross-Petitioner
43 SERVICE EMPLOYEES
44 INTERNATIONAL UNION, UNITED
45 HEALTHCARE WORKERS—WEST

46 3 : 11 -CV-2217 JSW
47 No. 5:11-cv-02217-PSG

48 Action Filed: May 5, 2011

49 Judge Jeffrey S. White

50 **STIPULATION AND [PROPOSED]
51 ORDER TO COORDINATE BRIEFING
52 SCHEDULE AND CONTINUE CASE
53 MANAGEMENT CONFERENCE**

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

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

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

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

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

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

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

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

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

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

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

27 5. The hearing on the Cross-Motions for Summary Judgment shall be heard on
28 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
CHRISTOPHER T. SCANLAN
JENNIFER GAARDER-WANG
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

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
YURI Y. GOTTESMAN
WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ Yuri Y. Gottesman¹
YURI Y. GOTTESMAN

Attorneys for Respondent/Cross-Petitioner
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.

1 **GENERAL ORDER 45 ATTESTATION**

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

7 Dated: October 6, 2011.

8 By: /s/ *Christopher Scanlan*
9 CHRISTOPHER T. SCANLAN

10
11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12 DATED: October 11, 2011.

13 By: *Jeffrey S. White*
14 H.R. Jeffrey S. White
15 United States District Judge