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18 Attorneys for Defendants

19

20 UNITED STATES DISTRICT COURT

21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA, ex rel.,)
 DR. JOHN MAA)
 23 1200 Gough St, Apt 11E)
 San Francisco, CA 94109)
 24)
 BRINGING THIS ACTION ON BEHALF)
 25 OF THE UNITED STATES OF AMERICA)
 26 and)
 _____)

CASE NO.: 12-CV-0200-JCS

STIPULATION RE SERVICE OF SUMMONS AND COMPLAINT

JURY TRIAL DEMANDED

27

28

1 c/o HON. MELINDA HAAG)
United States Attorney for the Northern)
2 District of California)
United States Attorney's Office)
3 450 Golden Gate Ave,)
San Francisco, CA 94102)

4 and)

5 c/o ERIC H. HOLDER)
6 Attorney General of the United States)
U.S. Department of Justice)
7 10th and Constitution Avenues, N.W.)
Washington, DC 20530)

8 and)

9 STATE OF CALIFORNIA, ex rel.,)
10 DR. JOHN MAA)

11 BRINGING THIS ACTION ON BEHALF OF)
THE STATE OF CALIFORNIA and the)
12 CALIFORNIA INSURANCE)
COMMISSIONER)

13 and)

14 c/o Darrell Woo)
Attorney Department)
15 California Department of Insurance)
45 Fremont Street, 22nd Floor)
16 San Francisco, CA 94105)

17 vs.)

18 DR. JAMES W. OSTROFF)
(in his personal capacity))
19 505 Parnassus Ave.)
San Francisco, CA 94143)

20 DR. JOSHUA ADLER)
(in his personal capacity))
21 505 Parnassus Ave.)
22 San Francisco, CA 94143)

23 DR. NANCY ASCHER)
(in her personal capacity))
24 285 Edgewood Ave.)
San Francisco, CA 94117)

25 DR. SUSAN DESMOND-HELLMANN)
(in her personal capacity))
26 505 Parnassus Ave.)

1 San Francisco, CA 94143)
)
 2 DR. ADRIENNE GREEN)
 (in her personal capacity))
 3 505 Parnassus Ave.)
 San Francisco, CA 94143)
 4)
 DR. MICHAEL GROPPER)
 5 (in his personal capacity))
 505 Parnassus Ave.)
 6 San Francisco, CA 94143)
)
 7 DR. HOBART HARRIS)
 (in his personal capacity))
 8 969 Duncan Street)
 San Francisco, CA 94131)
 9)
 DR. SAM HAWGOOD)
 10 (in his personal capacity))
 505 Parnassus Ave.)
 11 San Francisco, CA 94143)
)
 12 MARK LARET)
 (in his personal capacity))
 13 505 Parnassus Ave.)
 San Francisco, CA 94143)
 14)
 DR. SALLY MARSHALL)
 15 (in her personal capacity))
 505 Parnassus Ave.)
 16 San Francisco, CA 94143)
)
 17 SUSAN PENNEY)
 (in her personal capacity))
 18 505 Parnassus Ave.)
 San Francisco, CA 94143)
 19)
 DOES ONE through FIFTY,)
 20 (in their personal capacities))
)
 21 Defendants.)
)
 22

23 THE PARTIES STIPULATE AS FOLLOWS:

24 1) Brian J. Hennigan of Irell & Manella LLP has represented to Plaintiff's counsel,
 25 Kathryn Burkett Dickson, that he is authorized to accept service of the Summons, Complaint,
 26 Amended Complaint, and all related court documents on behalf of all the individual Defendants
 27

1 in their personal capacities: Dr. Joshua Adler, Dr. Nancy Ascher, Dr. Susan Desmond-Hellmann,
2 Dr. Adrienne Green, Dr. Michael Gropper, Dr. Hobart Harris, Dr. Sam Hawgood, Mark Laret,
3 Dr. Sally Marshall, and Susan Penney. Defendant Dr. James W. Ostroff has already been served.

4 2) Mr. Hennigan has agreed to accept one copy of the Summons, Complaint, Amended
5 Complaint, and all related papers for all Defendants.

6 3) Plaintiff will serve the Summons, Complaint, Amended Complaint, and all related
7 papers on Mr. Hennigan by Federal Express Overnight Delivery.

8 4) The parties agree that by accepting service of the Summons, Complaint, Amended
9 Complaint, and all related papers, Defendants will retain all defenses and objections to the
10 lawsuit, the court's jurisdiction, and the venue of the action, but waive the objections to the
11 absence of a summons or of service.

12 5) The parties agree that Defendants shall have until January 18, 2013 to serve a
13 responsive pleading or motion under Federal Rule of Civil Procedure 12 on behalf of all
14 Defendants, including Dr. James W. Ostroff, whom Plaintiff has previously served.

15 6) The parties agree that they will request that the pending Case Management
16 Conference currently scheduled for January 4, 2013 be continued to March 8, 2013.

17 IT IS SO STIPULATED.

18 DATED: December 3, 2012

DICKSON GEESMAN LLP

19
20 By: /s/ Kathryn Burkett Dickson
KATHRYN BURKETT DICKSON

21 and

22 KOHN, KOHN & COLAPINTO, LLP

23
24 DATED: December 3, 2012

By: /s/ David K. Colapinto
DAVID K. COLAPINTO
Admitted *Pro Hac Vice*

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26 Attorneys for Plaintiff-Relator

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DATED: December 3, 2012

IRELL & MANELLA LLP

By: /s/ Brian J. Hennigan
BRIAN J. HENNIGAN
Attorneys for Defendants

Dated: 12/4/12

