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8 Attorneys for Plaintiff
 ANDREW CARR

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW CARR, individually and on behalf
 14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND
 REHABILITATION SERVICES, INC.,
 18 GOLDEN LIVINGCENTER - PETALUMA,
 and DOES 1 to 50,

19 Defendants.

Case No.: 12-CV-02980-EMC

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING MOTION TO
 DISMISS AND CASE MANAGEMENT
 CONFERENCE**

Courtroom: 5
 Judge: Hon. Edward M. Chen

1 The parties hereby stipulate as follows:

2 WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to
3 Dismiss Pursuant to F.R.C.P. 12(B)(6) (“Motion to Dismiss”), which has been fully-briefed by all
4 parties. The Motion to Dismiss is scheduled to be heard by the Court on September 14, 2012, at
5 1:30 p.m.;

6 WHEREAS, on September 6, 2012, the parties filed a Stipulation and [Proposed] Order
7 Selecting ADR Process. Specifically, the parties stipulated to participating in Private ADR
8 through JAMS or a similar private mediator, which the parties are in the process of scheduling.
9 The parties have stipulated to holding the mediation before the date of the Case Management
10 Conference;

11 WHEREAS, the Case Management Conference is currently scheduled to take place on
12 October 26, 2012, at 9:00 a.m. in Courtroom 5, 17th Floor, San Francisco, before the Honorable
13 Edward M. Chen; and

14 WHEREAS, the parties respectfully request that the Court continue the hearing on the
15 Motion to Dismiss and the Case Management Conference so that the parties may participate in
16 early mediation.

17 IT IS THEREFORE STIPULATED AND AGREED that the hearing on the Motion to
18 Dismiss and the Case Management Conference shall be continued until November 9, 2012, at 1:30
19 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The
20 parties shall file a Joint Case Management Statement at least one week prior to the Case
21 Management Conference.

22 **IT IS SO STIPULATED.**

23
24 Date: September 6, 2012

23 Respectfully submitted,
24 NORTH BAY LAW GROUP
25 By _____ /s/
26 David S. Harris

27 Attorneys for Plaintiff
28 ANDREW CARR

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Date: September 6, 2012

DINSMORE & SHOHL LLP

By _____ /s/
Carly Chu

Attorneys for Defendant
BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.

IT IS HEREBY ORDERED AS FOLLOWS:

The parties shall complete mediation before November 9, 2012. The hearing on the Motion to Dismiss and the Case Management Conference is continued to November 9, 2012 at 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management Statement at least one week prior to the Conference.

DATED: September 11, 2012

