

1 ALAN HARRIS (CA Bar No. 146079)  
 HARRIS & RUBLE  
 2 6424 Santa Monica Boulevard  
 Los Angeles, California 90038  
 3 Telephone: (323) 962-3777  
 Facsimile: (323) 962-3004

4 DAVID S. HARRIS (CA Bar No. 215224)  
 NORTH BAY LAW GROUP  
 5 116 E. Blithedale Avenue, Suite #2  
 Mill Valley, California 94941-2024  
 6 Telephone: (415) 388-8788  
 7 Facsimile: (415) 388-8770

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;

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

10 WHEREAS, on September 9, 2012, the Court entered an order approving the parties’  
11 Stipulation and Proposed Order Continuing Motion to Dismiss and Case Management Conference.  
12 The Motion to Dismiss is currently scheduled to be heard by the Court on November 9, 2012, at  
13 1:30 p.m. Additionally, the Case Management Conference is also currently scheduled to take  
14 place on November 9, 2012, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, before the  
15 Honorable Edward M. Chen;

16 WHEREAS, the parties have agreed to engage in private mediation with Mr. Michael Loeb  
17 at JAMS in San Francisco. The first mutually-convenient date that Mr. Loeb was available,  
18 however, is November 20, 2012. As such, the parties respectfully request that the Court continue  
19 the parties’ deadline to complete mediation, as well as continue the hearing on the Motion to  
20 Dismiss and the Case Management Conference, so that the parties may participate in mediation  
21 with Mr. Michael Loeb on November 20, 2012.

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