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Attorneys for Plaintiff  
ANDREW CARR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW CARR, individually and on behalf  
of all others similarly situated,  
  
Plaintiff,  
  
v.  
  
BEVERLY HEALTH AND  
REHABILITATION SERVICES, INC.,  
GOLDEN LIVINGCENTER - PETALUMA,  
and DOES 1 to 50,  
  
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, the parties agreed to engage in private mediation prior to the Court hearing  
6 Defendant’s Motion to Dismiss. Thus, on October 4, 2012, the Court entered an Order approving  
7 the parties’ Stipulation and Proposed Order Continuing Motion to Dismiss and Case Management  
8 Conference. This Order required the parties complete mediation before December 14, 2012. The  
9 Order further continued the hearing on Defendant’s Motion to Dismiss to December 14, 2012 at  
10 1:30 p.m.

11           WHEREAS, the parties were scheduled to engage in private mediation with Mr. Michael  
12 Loeb at JAMS in San Francisco on November 20, 2012. In anticipation of the mediation, the  
13 parties are informally exchanging documentation and information in order to allow the parties to  
14 engage in a meaningful and productive mediation. In addition to Mr. Carr’s individual claims, the  
15 parties are mediating Plaintiff’s class action claims. As such, the parties require additional time in  
16 order to exchange a sampling of documentation and information relevant to Plaintiff’s class  
17 claims. Thus, the parties have stipulated and agreed to continue the mediation so that the  
18 additional necessary documentation and information can be reviewed and analyzed in anticipation  
19 of the mediation. The first mutually-convenient date that Mr. Loeb has available for the continued  
20 mediation is December 18, 2012, which is four days after the current hearing date on the Motion  
21 to Dismiss, as well as four days after the parties’ current deadline to complete mediation.

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