



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, since the filing of the Motion to Dismiss but prior to it being heard, the  
6 parties agreed to engage in private mediation with Mr. Michael Loeb at JAMS in San Francisco.  
7 The parties were scheduled to engage in mediation with Mr. Loeb on December 18, 2012. In  
8 anticipation of the mediation, the parties exchanged a statistically significant sample of  
9 documentation and information in order to allow the parties to prepare and engage in a meaningful  
10 and productive mediation. The complete review and analysis of the produced data, however,  
11 could not be completed and reviewed by the initial December 18, 2012, mediation date. Thus, the  
12 mediation was postponed.

13 WHEREAS, the parties are in the process of continuing to review and analyze the  
14 documentation and information that has been produced by Defendant. Additionally, Alan Harris,  
15 lead counsel for the Plaintiff, has been engaged in trial preparation and trial and has been unable to  
16 reschedule the mediation prior to January 17, 2013, the parties’ current deadline to complete  
17 mediation;

18 IT IS THEREFORE STIPULATED AND AGREED, in order to allow the parties to  
19 reschedule a mutually-convenient date for mediation, the parties have stipulated to continuing  
20 their deadline to mediate with Mr. Loeb until February 28, 2013. The parties further stipulate to  
21 continue the hearing on the Motion to Dismiss and the Case Management Conference until March  
22 14, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the  
23 Court. The parties shall file a Joint Case Management Statement at least one week prior to the  
24 Case Management Conference.

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