

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 February 27, 2013, prior to the Court conducting a hearing on the Motion  
6 to Dismiss, the parties engaged in private mediation with Mr. Michael Loeb at JAMS in San  
7 Francisco. At that time, progress was made but the parties were unable to settle the case. The  
8 parties agreed, however, to engage in additional investigation and schedule a second mediation,  
9 which will take place on or before April 5, 2013.

10 IT IS THEREFORE STIPULATED AND AGREED, in order to allow the parties to  
11 engage in additional fact finding and a second day of mediation with Mr. Loeb, the parties have  
12 stipulated to continuing the hearing on the Motion to Dismiss and the Case Management  
13 Conference until May 2, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date  
14 is convenient to the Court. The parties shall file a Joint Case Management Statement at least one  
15 week prior to the Case Management Conference.

16 **IT IS SO STIPULATED.**

17 Respectfully submitted,

18 Date: March 5, 2013 HARRIS & RUBLE

19 By                         /s/                          
20 Alan Harris

21 Attorneys for Plaintiff  
22 ANDREW CARR

23 Date: March 5, 2013 DINSMORE & SHOHL LLP

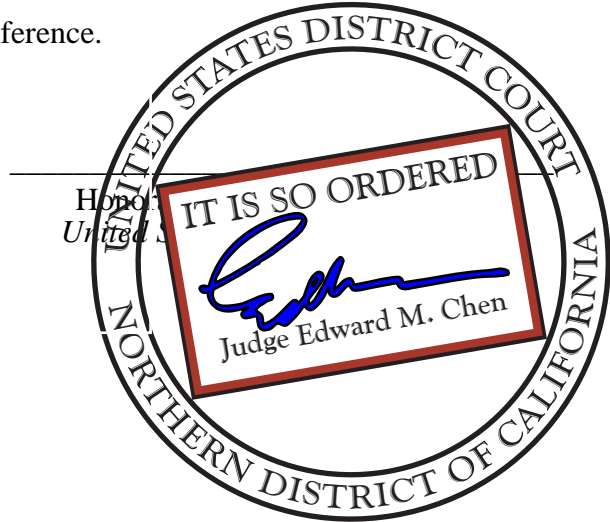
24 By                         /s/                          
25 Carly Chu

26 Attorneys for Defendant  
27 BEVERLY HEALTH AND  
28 REHABILITATION SERVICES, INC.

1 **IT IS HEREBY ORDERED AS FOLLOWS:**

2           The hearing on the Motion to Dismiss and the Case Management Conference is continued  
3 to May 2, 2013, at 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management  
4 Statement at least one week prior to the Conference.

5  
6 DATED: March 6, 2013



9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28