

1 SEDGWICK LLP
 2 STEPHANIE SHERIDAN (Bar No. 135910)
 stephanie.sheridan@sedgwicklaw.com
 3 KELLY SAVAGE DAY (Bar No. 235901)
 kelly.savageday@sedgwicklaw.com
 ALISON ANDRE (Bar No. 251689)
 4 alison.andre@sedgwicklaw.com
 333 Bush Street, 30th Floor
 5 San Francisco, California 94104-2835
 Telephone: (415) 781-7900
 6 Facsimile: (415) 781-2635

7 *Attorneys for Defendant*
 ALERE HOME MONITORING, INC.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

12 JOHN FALKENBERG and STEVEN
 13 INGARGIOLA, on behalf of themselves and all
 others similarly situated,

14 Plaintiffs,

15 v.

16 ALERE HOME MONITORING, INC.,

17 Defendant.

Case No. 3:13-cv-00341-JST

STIPULATION:

**(1) FOR EXTENDED BRIEFING
 SCHEDULE ON MOTION TO DISMISS
 AND MOTION TO STRIKE; AND
 (2) TO CONTINUE HEARING ON
 MOTION TO DISMISS AND MOTION
 TO STRIKE FROM MAY 30, 2013, TO
 JUNE 27, 2013; AND
 (3) TO CONTINUE CASE
 MANAGEMENT CONFERENCE FROM
 MAY 15, 2013, UNTIL JUNE 27, 2013**

Judge: Hon. Jon Tigar
 Ctrm: 9, 19th Floor

22 Pursuant to Local Rules 6-2 and 7-12, plaintiffs John Falkenberg and Steven
 23 Ingargiola (collectively "plaintiffs") and defendant Alere Home Monitoring, Inc. ("Alere")
 24 agree and stipulate as follows:

25 WHEREAS, in this action, Alere filed a motion to dismiss and motion to strike, which
 26 are pending, with opposition briefs due on April 26, 2013, reply briefs due on May 3, 2013, and
 27 the hearing currently set to take place on May 30, 2013;

1 **WHEREAS** counsel for plaintiffs has a family medical emergency as well as a busy
2 litigation schedule, and therefore respectfully requests an extension in order to meet plaintiffs'
3 current deadline for filing their opposition briefs (Frei-Pearson Decl., ¶ 3);

4 **WHEREAS** the parties previously stipulated to extend Alere's time to respond to the
5 complaint by six weeks (*Id.* at ¶ 4);

6 **WHEREAS** this extension will not impact the case's schedule outside of the relief
7 requested in the instant stipulation (*Id.* at ¶ 5);

8 **NOW, THEREFORE**, plaintiffs and Alere, by and through their attorneys of record,
9 agree and stipulate that:

10 (1) Plaintiffs' deadline to oppose Alere's motion to dismiss and motion to strike
11 shall be May 24, 2013;

12 (2) Alere's deadline to file a reply in support of its motion to dismiss and motion
13 to strike shall be June 13, 2013;

14 (3) The hearing on Alere's motion to dismiss and motion to strike shall be
15 continued to June 27, 2013, at 2:00 p.m.

16 **Pursuant to Local Rules 6-2, 7-12, and 16-2(e), plaintiffs and Alere further agree**
17 **and stipulate as follows:**

18 **WHEREAS** a case management conference is currently scheduled for May 15, 2013;

19 **WHEREAS** the parties have stipulated to continue the hearing on Alere's motion to
20 dismiss and motion to strike until June 27, 2013;

21 **WHEREAS** the parties believe that , the case management conference would be more
22 productive and beneficial if it were held at a time when the briefing on Alere's motion to
23 dismiss and motion to strike is complete and the Court is fully apprised of the landscape of this
24 action;

25 **NOW, THEREFORE**, plaintiffs and Alere, by and through their attorneys of record,
26 agree and stipulate that the case management conference will be continued to June 27, 2013, at
27 2:00 p.m. so as to coincide with the hearing on Alere's motion to dismiss and motion to strike.

28 ~~In the alternative, should the Court prefer to hold the case management conference on a~~

1 ~~Wednesday, the parties stipulate to continue the case management conference until June 26,~~
2 ~~2013, at 2.00 p.m., or until a date and time that is acceptable to the Court.~~ The parties will
3 submit their joint case management statement five court days prior to the new conference date,
4 and will comply with the deadlines set forth in Fed. R. Civ. Proc. 26 as they relate to this new
5 date.

6
7 DATED: April 23, 2013

SEDGWICK LLP

8
9
10 By: /s/ Stephanie Sheridan
11 STEPHANIE SHERIDAN
12 KELLY SAVAGE DAY
13 ALISON ANDRE
14 Attorneys for Defendant
15 ALERE HOME MONITORING, INC.

16
17
18 DATED: April 23, 2013

MEISELMAN, PACKMAN, NEALON,
SCIALABBA & BAKER P.C.

19
20 By: /s/ Jeremiah Frei-Pearson
21 JEREMIAH FREI-PEARSON (Pro Hac Vice)
22 D. Greg Blankinship (Pro Hac Vice)
23 Attorneys for Plaintiffs

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: April 23, 2013

26 Judge of the

