Falkenberg et al v. Alere Home Monitoring, Inc.			Doc. 37
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8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	JOHN FALKENBERG and STEVEN	CASE NO.: 3:13-cv-00341 JST	
11	INGARGIOLA, on behalf of themselves and all others similarly situated,		
12	Plaintiffs	[PROPOSED] ORDER FURTHER CONTINUING THE HEARING ON	
13	ALERE HOME MONITORING, INC.  MOTION TO DISMISS AND MOTIO  TO STRIKE PORTIONS OF PLAINTIFFS' COMPLAINT		
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15	ALERE HOME MONITORING, INC.,		
16	Defendant.		
17	Based upon the California Courts of Appeal's pending decisions in Regents of University		ty
18	of California v. Superior Court, No. B249148 and Sutter Health v. Superior Court, No.		
19	C072591, this Court previously continued the hearing on defendant Alere Home Monitoring,		
20	Inc.'s Motion to Dismiss [Docket No. 18] and Motion to Strike portions of Plaintiffs' Complaint		nt
21	[Docket No. 16] from June 27, 2013 to October 3, 2013. Because panel decisions have not yet		
22	been issued in either Court of Appeal case,		
23	IT IS HEREBY ORDERED:		
24	(1) The hearing on Alere Home Monitoring, Inc.'s Motion to Dismiss [Docket No. 18]		
25	and Motion to Strike portions of Plaintiffs' Complaint [Docket No. 16] is continued		
26	to February 6, 2014, at 2:00 pm;		
27	(2) If panel decisions in both Court of Appeal cases are issued before January 23, 2014,		,
28	then the parties shall simultaneously file a supplemental brief, not exceeding seven		
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	[PROPOSED] ORDER CONTINUING HEARING DATE AND FURTHER CASE ACTION		

- (7) pages within seven (7) days of the second appellate court's decision in either *Regents of University of California v. Superior Court*, No. B249148 or *Sutter Health v. Superior Court*, No. C072591;
- (3) If both decisions have not been issued by January 23, 2014, then the February 6, 2014 hearing will be further continued based upon stipulation of the parties, and the parties will submit a joint report to the Court by January 30, 2014, informing the Court of the status of the appellate proceedings;

(4) All discovery and further actions in the case are stayed until February 6, 2014.

Dated: September 26, 2013

