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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

ALERE HOME MONITORING, INC.,

Defendant.

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

**~~[PROPOSED]~~ ORDER CONTINUING
THE HEARING ON ALERE HOME
MONITORING, INC'S MOTION TO
DISMISS AND MOTION TO STRIKE
PORTIONS OF PLAINTIFFS'
COMPLAINT**

IT IS HEREBY ORDERED:

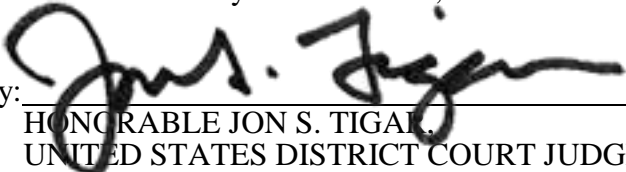
- (1) The hearing on Alere Home Monitoring, Inc.'s Motion to Dismiss [Docket No. 18] and Motion to Strike portions of Plaintiffs' Complaint [Docket No. 16] is continued to June 5, 2014, at 2 pm;
- (2) If the panel decision in *Sutter Health v. Superior Court*, No. C072591 issues before May 15, 2014, then the parties shall simultaneously file a supplemental brief, not exceeding seven (7) pages within ten (10) days of the decision;
- (3) If the *Sutter* decision has not been issued by May 22, 2014, then the June 5, 2014 hearing will be further continued based upon stipulation of the parties, and the parties

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will submit a joint report to the Court by May 29, 2014 informing the Court of the status of the appellate proceedings;

(4) All discovery and further actions in the case are stayed until June 5, 2014.

Dated: January 31, 2014

By: 
HONORABLE JON S. TIGAL
UNITED STATES DISTRICT COURT JUDGE

Sedgwick_{LLP}