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1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 JOHN FALKENBERG and STEVEN Case No. 3:13-cv-00341-JST INGARGIOLA, on behalf of themselves and all 12 others similarly situated, [PROPOSED] ORDER CONTINUING THE HEARING ON ALERE HOME 13 NITORING, INC'S MOTION TO Plaintiffs, SMISS AND MOTION TO STRIKE 14 PORTIONS OF PLAINTIFFS' v. **COMPLAINT** 15 ALERE HOME MONITORING, INC., 16 Defendant. 17 18 19 IT IS HEREBY ORDERED: 20 (1) The hearing on Alere Home Monitoring, Inc.'s Motion to Dismiss [Docket No. 18] 21 and Motion to Strike portions of Plaintiffs' Complaint [Docket No. 16] is continued 22 to September 11, 2014, at 2 pm; 23 (2) If the panel decision in Sutter Health v. Superior Court, No. C072591 issues before 24 August 21, 2014, then the parties shall simultaneously file a supplemental brief, not 25 exceeding seven (7) pages within ten (10) days of the decision; 26 (3) If the Sutter decision has not been issued by August 21, 2014, then the September 11,

2014 hearing will be further continued based upon stipulation of the parties, and the

parties will submit a joint report to the Court by August 28, 2014 informing the Court of the status of the appellate proceedings;

(4) All discovery and further actions in the case are stayed until September 11, 2014.

Dated: May 30, 2014