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Counsel for Defendant  
 ALERE HOME MONITORING, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 JOHN FALKENBERG and STEVEN  
 19 INGARGIOLA, on behalf of themselves and  
 20 all others similarly situated,  
 21  
 22 Plaintiffs,  
 23  
 24 v.  
 25 ALERE HOME MONITORING, INC.,  
 26  
 27 Defendant.

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

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE THE  
 TELEPHONIC CONFERENCE AND  
 EXPERT DISCLOSURE DEADLINE**

Hon. Jon S. Tigar

26 Pursuant to Local Rule 6-2, Plaintiffs JOHN FALKENBERG and STEVEN  
 27 INGARGIOLA (“Plaintiffs”) and defendant ALERE HOME MONITORING, INC.  
 28 (“Defendant”), by and through their attorneys, respectfully request that the Court continue the

1 telephonic conference from June 26, 2015 until July 8, 2015, and the expert disclosure deadline  
2 from July 17, 2015 to July 31, 2015.

3 On April 24, 2015, the Court scheduled a telephonic conference for June 26, 2015. (ECF  
4 No. 70.) On February 25, 2015, the Court set the deadline for expert disclosures for July 17,  
5 2015. (ECF 66.)

6 The parties have been working diligently to resolve a number of discovery disputes. They  
7 agree that, with additional time, they will likely resolve many of these disputes without involving  
8 the court. Additional time would also allow the parties to make headway on any issues that they  
9 are not able to fully resolve, which would make the telephonic conference more efficient and  
10 productive. The parties therefore ask that the telephonic conference be continued twelve days,  
11 until July 8, 2015.

12 The parties also request that the court continue the deadline for expert disclosures until  
13 July 31, 2015 so that the Parties can resolve discovery disputes and take additional discovery.  
14 Pursuant to Local Rule 30-1, the parties have conferred extensively about scheduling the  
15 depositions of each Plaintiff since April. However, because both Plaintiffs have health issues and  
16 because of scheduling issues, neither has yet been able to appear for a deposition (Ms. Fertig,  
17 who is not a named Plaintiff, has appeared for deposition.) The parties recently confirmed Mr.  
18 Falkenberg's deposition for July 9, 2015 via videoconference. Mr. Ingargiola's deposition will  
19 likely not take place until the week of July 20, 2015. The parties agree that the expert disclosure  
20 deadline should be continued until after both Plaintiffs have been deposed and the parties ask  
21 that the expert disclosure deadline be continued two weeks until July 31, 2015.

22 Continuing the expert disclosure deadline would push back the expert rebuttal deadline  
23 until August 14, 2015, and the expert discovery cut-off until August 28, 2015.

24 There have been two sets of continuances in this case since it was filed in January 2013.  
25 First, the Court continued the briefing schedule for Defendant's Motion to Dismiss and Motion  
26 to Strike. (ECF No. 21.) Second, the Court several times continued the hearing on Defendant's  
27 Motion to Dismiss and Motion to Strike until decisions were issued in two pending Court of  
28 Appeals cases. (ECF Nos. 35, 37, 39, 42.)

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**WHEREAS IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this action by and through their attorneys of record, and, accordingly, requested that the Court:

1. Continue the current June 26, 2015 telephonic conference date until July 8, 2015, or as soon a date thereafter as is convenient to the Court’s calendar;
2. Continue the current July 17, 2015 expert disclosure deadline until July 31, 2015, or as soon a date thereafter as is convenient to the Court’s calendar;
3. Continue the deadlines for the expert rebuttal and expert discovery cut-off commensurate with the new expert disclosure deadline.

Dated: June 24, 2015

By: /s/ Jeremiah Frei-Pearson  
 Jeremiah Frei-Pearson  
 D. Greg Blankinship  
 FINKELSTEIN, BLANKINSHIP, FREI-PEARSON & GARBER LLP  
 Eric A. Grover  
 Carey G. Been  
 KELLER GROVER LLP  
 Counsel for Plaintiffs and the Putative Class

Dated: June 24, 2015

By: /s/ Stephanie Sheridan  
 Stephanie Sheridan  
 Kirk Jenkins  
 Megan Brooks  
 SEDGWICK LLP  
 Counsel for Defendant

**Attestation**

Pursuant to Local Rule 5-1(i)(3), I, Stephanie Sheridan, attest that all other signatories listed herein, and on whose behalf this filing is being submitted, concur in this filing’s content and have authorized the filing.

By: /s/ Stephanie Sheridan

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**ORDER**

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that the telephonic conference currently set for June 26, 2015 is rescheduled for July 8, 2015 at 2:00 p.m., and that the expert disclosure deadline is rescheduled from July 17, 2015 to July 31, 2015.

**IT IS SO ORDERED.**

DATED: June 24, 2015

