

1 TIMOTHY J. LONG (STATE BAR NO. 137591)
 tjlong@orrick.com
 2 LAURI A. DAMRELL (STATE BAR NO. 241010)
 ldamrell@orrick.com
 3 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 4 Sacramento, California 95814-4497
 Telephone: +1-916-447-9200
 5 Facsimile: +1-916-329-4900

The Honorable Susan Y. Illston

6 Attorneys for Defendants
 MHN GOVERNMENT SERVICES, INC.,
 7 HEALTH NET, INC., and MHN SERVICES d/b/a
 MHN SERVICES CORPORATION, a Washington
 8 corporation

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 CINDY HIETT ET AL, on behalf of
 13 themselves, and all others similarly situated,
 14 Plaintiffs,
 15 v.
 16 MHN GOVERNMENT SERVICES, INC. ET
 AL
 17 Defendants.
 18

Case No. 3:13-cv-03016-SI

STIPULATION AND [~~PROPOSED~~]
 ORDER REGARDING INITIAL CASE
 MANAGEMENT CONFERENCE

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

STIPULATION AND [PROPOSED] ORDER
 REGARDING INITIAL CASE MANAGEMENT
 CONFERENCE
 [3:13-CV-03016-SI]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND PROPOSED ORDER

Plaintiffs Cindy Hiatt, Barbara Brown, Lisa Alicea, John Comerford, Cynthia Fugere, Adrienne Kraft, David Levy, Latonya Moore, Amy Sheaffer, Susan Solomon, James Wenrick, Kimberly Wilson, and Tammie Yancey (collectively “Plaintiffs”) and Defendants MHN Government Services, Inc., Managed Health Network, Inc., Health Net, Inc., and MHN Services d/b/a MHN Services Corporation, a Washington corporation (collectively “Defendants”), by and through their respective counsel, stipulate and agree as follows:

RECITALS

WHEREAS, on July 1, 2013, the United States District Court for the Western District of Washington transferred this action to the United States District Court for the Northern District of California (ECF No. 88); and

WHEREAS, on September 9, 2013, the Court issued an Order relating this action to *Zaborowski v. MHN Government Services, Inc.*, C 12-0519 SI (“*Zaborowski*”), ECF No. 144; and

WHEREAS, the Court has stayed all litigation in the *Zaborowski* action pending the Ninth Circuit Court of Appeal’s resolution of the defendants’ appeal from the Court’s Order denying arbitration, *Zaborowski*, ECF No. 84; and

WHEREAS, the same arbitration agreement at issue in the appeal before the Ninth Circuit Court of Appeals is also at issue in this action; and

WHEREAS, the parties in this action and in *Zaborowski* have agreed to participate in a mediation of their disputes scheduled for January 20, 2014; and

WHEREAS, on October 18, 2013, Defendants filed a request in the Ninth Circuit Court of Appeals on behalf of all of the parties in this action and in *Zaborowski* to stay proceedings in the Ninth Circuit Court of Appeals pending mediation; and

WHEREAS, the Court has scheduled an Initial Case Management Conference for October 22, 2013.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AGREEMENT

In light of the foregoing, the Parties stipulate and agree that:

The deadline for the Initial Case Management Conference shall be extended to February 7, 2014.

Dated: October 18, 2013

/s/ Timothy J. Long
Timothy J. Long (Cal. Bar No. 137591)
Lauri A. Damrell (Cal. Bar No. 241010)
ORRICK, HERRINGTON & SUTCLIFFE LLP
Attorneys for Defendants

Dated: October 18, 2013

/s/ Warren Martin
Lewis L. Ellsworth (WSBA No. 11360)
Warren E. Martin (WSBA No. 17235)
Eric D. Gilman
GORDON THOMAS HONEYWELL LLP
Attorneys for Plaintiffs

[PROPOSED ORDER]

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/21, 2013


The Honorable Judge Susan Y. Illston

///
///
///
///
///

1 PRESENTED BY:
2 ORRICK, HERRINGTON & SUTCLIFFE LLP

3
4 By: /s/ Timothy J. Long
5 Lauri A. Damrell (State Bar No. 241010)
6 Idamrell@orrick.com
7 Timothy J. Long (State Bar No. 137591)
8 tjlong@orrick.com
9 400 Capitol Mall, Suite 3000
10 Sacramento, CA 95814-4497
11 Telephone: +1-916-447-9200
12 Facsimile: +1-916-329-4900

13 *Attorneys for Defendants*

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28