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EMERITUS CORPORATION

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION  
 19

20 ARVILLE WINANS, by and through his )  
 guardian ad litem, RENEE MOULTON, on his )  
 21 own behalf and on behalf of others similarly )  
 situated, )

22 Plaintiff,

23 v.

24 EMERITUS CORPORATION and DOES 1 )  
 25 through 100, )

26 Defendants. )

CASE NO.: 3:13-cv-03962- SC

**REVISED STIPULATION REGARDING  
DEFENDANT’S TIME TO RESPOND  
TO AMENDED COMPLAINT;**

**DECLARATION OF THOMAS J.  
NOLAN PURSUANT TO L.R. 6-2 (a)**

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1           **WHEREAS**, on July 29, 2013, Plaintiff Arville Winans commenced an action in the  
2 Superior Court for the State of California for the County of Alameda entitled *Arville Winans, by*  
3 *and through his Guardian ad litem, Renee Moulton, on his own behalf and on behalf of others*  
4 *similarly situated v. Emeritus Corporation and Does 1 through 100*, Case No. RG 13689560 (the  
5 “State Court Action”), and served process on Defendant Emeritus Corporation on July 30, 2013;

6           **WHEREAS**, on August 27, 2013, Defendant petitioned to remove the State Court Action  
7 to this Court;

8           **WHEREAS**, on August 30, 2013, the parties agreed that Defendant would be given until  
9 September 26, 2013 to answer, move, or otherwise respond to the Complaint;

10           **WHEREAS**, on September 26, 2013, Defendant filed a motion to dismiss Plaintiff’s  
11 Complaint (the “Motion to Dismiss”);

12           **WHEREAS**, on September 26, 2013, the parties agreed to a briefing schedule to allow  
13 Plaintiff four weeks to oppose the Motion to Dismiss or, alternatively, to amend his Complaint;

14           **WHEREAS**, on October 25, 2013, Plaintiff filed an amended Complaint in this Action (the  
15 “Amended Complaint”);

16           **WHEREAS**, on October 25, 2013, the parties agreed to a briefing schedule to allow both  
17 parties sufficient time to bring and respond to Defendant’s motion to dismiss the Amended  
18 Complaint, and submitted a stipulation to that effect;

19           **WHEREAS**, in the interests of convenience and fairness to the parties and the Court, the  
20 parties have further agreed to a revised briefing schedule to accommodate the Thanksgiving and  
21 winter holidays;

22           **NOW, THEREFORE**, Plaintiff and Defendant, by and through their counsel of record and  
23 subject to Court approval, hereby stipulate that:

24           1.       Defendant shall answer, move, or otherwise respond to the Amended Complaint on  
25 or before **December 6, 2013**;

26           2.       Plaintiff shall file an opposition, if any, to Defendant’s response to the Amended  
27 Complaint on or before **January 17, 2014**;

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