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 EMERITUS CORPORATION

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION
 20

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

23 Plaintiff,)

24 v.)

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

27 Defendants.)
 28)

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

**STIPULATION REGARDING
 BRIEFING SCHEDULE ON
 DEFENDANT’S MOTION TO DISMISS
 AND DEFENDANT’S MOTION TO
 STRIKE CLASS ALLEGATIONS;
 DECLARATION OF GUY B. WALLACE
 PURSUANT TO L.R. 6-2 (a)**

1 *Additional Counsel For Plaintiff:*

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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;

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 his First Amended Complaint;

15 **WHEREAS**, on December 6, 2013, Defendant filed a Motion to Dismiss Plaintiff’s First
16 Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as well as a Motion to
17 Strike Plaintiff’s Class Allegations pursuant to Federal Rule of Civil Procedure 12(f);

18 **WHEREAS**, Plaintiff is presently due to file his oppositions to Defendant’s two pending
19 motions on January 17, 2014, but requires a short one week extension of time to do so for the
20 reasons set forth in the Declaration of Guy B. Wallace below;

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

23 1. Plaintiff shall file his oppositions to Defendant’s Motion to Dismiss and
24 Defendant’s Motion to Strike Class Allegations on or before **January 24, 2014**;

25 2. Defendant shall file its replies in support of its Motion to Dismiss and its Motion to
26 Strike Class Allegations on or before **February 7, 2014**;

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1 The e-filing attorney hereby attests that he retains on file all holographic signatures
2 corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed
3 document.

4 **IT IS SO STIPULATED.**

5 DATED: January 16, 2014

6 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

7
8 By: /s/ Thomas J. Nolan
 Thomas J. Nolan
 Attorneys for Defendant

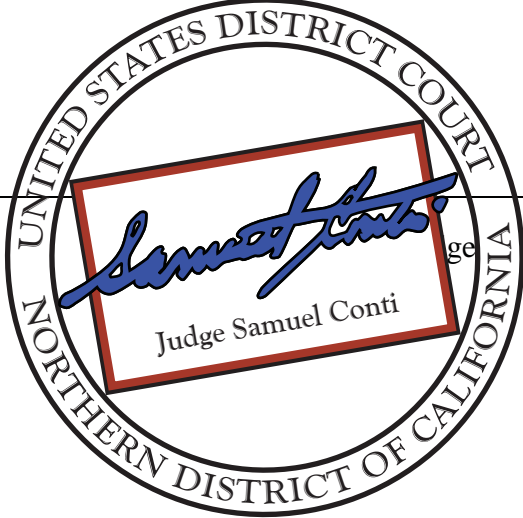
9 DATED: January 16, 2014

10 SCHNEIDER WALLACE COTTRELL KONECKY LLP

11 By: /s/ Guy B. Wallace
 Guy B. Wallace
 Attorneys for Plaintiff and the proposed Class

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13
14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15
16 DATED: 01/17/2014

17
18 By:  A circular seal for the Northern District of California is stamped over the signature. The seal contains the text 'UNITED STATES DISTRICT COURT' at the top and 'NORTHERN DISTRICT OF CALIFORNIA' at the bottom. Inside the seal, the signature 'Samuel Conti' is written in blue ink over a red rectangular stamp that reads 'Judge Samuel Conti'.