

1 PILLSBURY WINTHROP SHAW PITTMAN LLP  
 THOMAS V. LORAN III #95255  
 2 [Thomas.loran@pillsburylaw.com](mailto:Thomas.loran@pillsburylaw.com)  
 JEFFREY S. JACOBI # 252884  
 3 [jeffrey.jacobi@pillsburylaw.com](mailto:jeffrey.jacobi@pillsburylaw.com)  
 Four Embarcadero Center, 22nd Floor  
 4 San Francisco, CA 94111  
 Telephone: (415) 983-1000  
 5 Facsimile No.: (415) 983-1200

6 Attorneys for Plaintiff  
 Performant Financial Corporation  
 7

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION  
 11

12 PERFORMANT FINANCIAL ) CORPORATION, a Delaware corporation, ) 13 ) 14 Plaintiff, ) 15 vs. ) 16 PERFORMANT SYSTEMS GROUP, LLC, a ) Michigan limited liability company d/b/a ) 17 Performant Systems Group; and DOES 1-50, ) inclusive, ) 18 Defendants. ) 19 ) 20 ) 21 )	No. 3:13-cv-05876-NC  <u>STIPULATION AND <del>PROPOSED</del></u> <u>ORDER TO EXTEND TIME TO</u> <u>RESPOND TO INITIAL COMPLAINT</u> <u>AND CONTINUE INITIAL CASE</u> <u>MANAGEMENT CONFERENCE</u> <u>(L.R. 6-1)</u>  Complaint Filed: December 18, 2013 Complaint Served: December 23, 2013 Current Response Date: February 12, 2014 New Response Date: August 11, 2014  Magistrate Judge Nathanael Cousins
--	--

22 WHEREAS, Plaintiff PERFORMANT FINANCIAL CORPORATION caused the  
 23 Summons and Complaint in this action to be served on Defendant PERFORMANT  
 24 SYSTEMS GROUP, LLC on December 23, 2013;

25 WHEREAS, in accordance with Federal Rule of Civil Procedure 12(a), Defendant's  
 26 response to the Complaint was due within twenty-one days after the December 23, 2013  
 27 service of the Summons and Complaint, or on January 13, 2014;  
 28

1           WHEREAS, because the parties desired time to continue to discuss an informal  
2 resolution of this matter, Defendant requested and Plaintiff agreed to a thirty-day extension  
3 of time, until and including February 12, 2014, within which Defendant must respond to the  
4 Complaint, and the parties filed herein on January 8, 2014 their initial Stipulation To  
5 Extend Time To Respond To Initial Complaint (Doc. 10), which extended Defendant's time  
6 to respond to the complaint by thirty days, from January 13, 2014 until and including  
7 February 12, 2014;

8           WHEREAS, following entry of the aforesaid Stipulation, the parties reached a  
9 conditional settlement;

10           WHEREAS, to allow for time for the completion and satisfaction of the specified  
11 conditional settlement terms without incurring further costs of litigating this matter,  
12 Defendant has requested and Plaintiff has agreed to an extension of time within which  
13 Defendant must respond to the Complaint of one hundred and eighty (180) days, until and  
14 including August 11, 2014;

15           WHEREAS, the parties anticipate at this time that all of the settlement conditions  
16 will be fulfilled and that no further extensions of time within which Defendant must  
17 respond to the Complaint will be necessary or requested;

18           WHEREAS, this extension will alter the date of deadlines previously fixed by this  
19 Court's order of December 19, 2013 (Doc. 5), including the date of the initial Case  
20 Management Conference in this action, which is currently set for March 19, 2014;

21           NOW THEREFORE, it is hereby stipulated, by and between the undersigned  
22 counsel for the parties herein, that:

- 23           1. Defendant Performant Systems Group, LLC shall have until and including  
24           August 11, 2014 to respond to Plaintiff Performant Financial Corporation's  
25           Complaint;
- 26           2. The initial Case Management Conference shall be continued from its current date of  
27           March 19, 2014 at 10:00 AM to September 17, 2014 at 10:00 AM; and

28 //

1 3. All deadlines related to the Case Management Conference shall be continued  
2 accordingly.

3 Dated: February 11, 2014

4 PILLSBURY WINTHROP SHAW PITTMAN LLP  
5 THOMAS V. LORAN III  
6 JEFFREY S. JACOBI  
7 Four Embarcadero Center, 22nd Floor  
8 San Francisco, CA 94111

9 By                   /s/ Jeffrey S. Jacobi                    
10 Jeffrey S. Jacobi  
11 Attorneys for Plaintiff  
12 PERFORMANT FINANCIAL  
13 CORPORATION

14 Dated: February 11, 2014

15 DICKINSON WRIGHT PLLC  
16 JOHN C. BLATTNER  
17 350 S. Main Street, Suite 300  
18 Ann Arbor, MI 48104

19 By                   /s/ John C. Blattner                    
20 John C. Blattner  
21 Attorney for Defendant  
22 PERFORMANT SYSTEMS  
23 GROUP, LLC

24 **ATTESTATION OF SIGNATURE**

25 **(N.D. Cal. General Order 45)**

26 I, Jeffrey S. Jacobi, hereby attest that concurrence in the filing of this document  
27 entitled STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND  
28 TO INITIAL COMPLAINT AND CONTINUE INITIAL CASE MANAGEMENT  
CONFERENCE (L.R. 6-1) has been obtained from all of the signatories.

Dated: February 11, 2014 By                   /s/ Jeffrey S. Jacobi                    
Jeffrey S. Jacobi

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

**ORDER**

Upon consideration of the parties' stipulation and good cause appearing, IT IS  
HEREBY ORDERED THAT:

1. Defendant Performant Systems Group, LLC shall have until and including August 11, 2014 to respond to Plaintiff Performant Financial Corporation's Complaint;
2. The initial Case Management Conference shall be continued from its current date of March 19, 2014 at 10:00 AM to September 17, 2014 at 10:00 AM; and
3. All deadlines related to the Case Management Conference shall be continued accordingly.

Dated: February 24, 2014

The Honorable  
U.S. Magistrate

