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24 Attorneys for Defendant
25 XANITOS, INC.

26 Attorneys for Defendant XANITOS, INC.
27 and KAISER FOUNDATION HOSPITALS

28 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAULA DONALD, on behalf of herself,
all others similarly situated, and the general
public,

Plaintiff,

vs.

XANITOS, INC., a Delaware corporation,
KAISER FOUNDATION HOSPITALS, a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

Case No. 3:14-cv-05416-WHO

PUTATIVE CLASS ACTION

**JOINT STIPULATION AND ORDER TO
CONTINUE CERTIFICATION TO
COMPLETE MEDIATION**

1 Pursuant to Civil Local Rule 7-12 of the United States District Court for the Northern
2 District of California, the Parties to the above entitled action, Plaintiff PAULA DONALD
3 (“Plaintiff,”), Defendant XANITOS, INC. (“Xanitos”), and Defendant KAISER FOUNDATION
4 HOSPITALS (“Kaiser”) (collectively referred to as the “Parties”), by and through their
5 undersigned counsel, enter into the following Stipulation:

6 WHEREAS, the Plaintiff and Defendant Xanitos have each diligently propounded and
7 responded to a first set of written discovery and are presently meeting and conferring regarding
8 responses as well as scheduling pre-certification depositions;

9 WHEREAS, the Parties met in person in San Francisco on October 12, 2015 and
10 successfully resolved all outstanding discovery disputes;

11 WHEREAS, as part of the negotiated resolution of the discovery disputes, the Parties
12 agreed to schedule a mediation by late 2015 or early 2016;

13 WHEREAS, the Parties were not able to secure a date with a mutually acceptable
14 mediator until March 2016;

15 WHEREAS, the Parties have agreed to mediation with well-known and respected
16 mediator Mark Rudy;

17 WHEREAS the earliest available date that Mr. Rudy had availability was March 24, 2016
18 and Defendant Xanitos’ key decision-maker is not available on that date;

19 WHEREAS Mr. Rudy’s next available dates include: March 30, April 5, 6, 7, 19, 20 and
20 21, 2016;

21 WHEREAS, the Parties are currently working to confirm both client and counsel’s
22 availability and intend to schedule mediation with Mr. Rudy on a mutually-agreeable date
23 between March 30 and April 21, 2016;

24 WHEREAS, the Parties agree it would be preferable to attempt to mediate before
25 expending the majority of resources involved in preparing the Motion for Class Certification and
26 related papers and, accordingly, the Parties would need to select a different mediator if the
27 current certification deadlines are maintained;

28

1 WHEREAS, the Parties represent that the prospect of mediating with an excellent,
2 experienced mediator and Mr. Rudy's reputation was instrumental in helping the parties resolve
3 several multifaceted discovery disputes;

4 WHEREAS, the Parties are working in good faith to resolve other outstanding issues and
5 anticipate that they will be able to reach a similar compromise with respect to more recent
6 discovery requests;

7 WHEREAS the Parties have met and conferred regarding a stipulation to modify the
8 schedule in light of the availability of their preferred mediators;

9 WHEREAS the only other modification to the case schedule thus far was a six (6) month
10 continuance of the certification deadlines (Dkt. 52) as a result of the delay in adding Defendant
11 KAISER FOUNDATION HOSPITALS which required litigation of an opposed Motion for
12 Leave to Amend;

13 WHEREAS, the parties agree it would be appropriate to continue the deadlines for
14 Plaintiff's Motion for Class Certification and Defendant's Opposition thereto for approximately
15 four (4) months to complete mediation and all necessary discovery prior to filing the Motion for
16 Class Certification;

17 NOW THEREFORE, the Parties stipulate to continue, for four (4) months, the deadlines
18 for Plaintiff's Motion for Class Certification and Defendant's Opposition thereto:

19 1. Plaintiff's deadline to file a Motion for Class Certification is continued for
20 approximately four (4) months, to July 15, 2016.

21 2. Deadline to file an Opposition to Plaintiff's Motion for Class Certification is
22 continued for approximately four (4) months, to August 1, 2016.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: October 19, 2015

GORDON & REES LLP

/s/ Sara A. Moore

By _____

Mark Posard

Mollie Burks

Sara Moore

Attorneys for Defendant

XANITOS, INC. AND KAISER FOUNDATION

HOSPITALS, INC.

DATED: October 19, 2015

HOFFMAN EMPLOYMENT LAWYERS

/s/ Stephen Noel Ilg

BY _____

Michael Hoffman

Leonard Emma

Stephen Noel Ilg

Attorneys for Plaintiffs

PAULA DONALD *et al.*

I, Sara A. Moore, hereby attest, pursuant to N.D. Cal. Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from each signatory.

By: */s/ Sara A. Moore* _____

Attorneys for Defendant

XANITOS, INC. AND KAISER FOUNDATION

HOSPITALS, INC.

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

1
2 1. Plaintiff's deadline to file a Motion for Class Certification is continued for
3 approximately four (4) months, to July 15, 2016.

4 2. Deadline to file an Opposition to Plaintiff's Motion for Class Certification is
5 continued for approximately four (4) months, to August 1, 2016.

6 3. Any reply shall be filed by August 15, 2016.

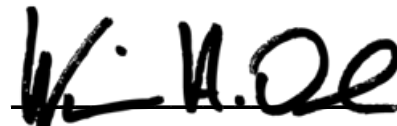
7 4. The hearing is set for August 31, 2016 at 2 p.m.

8 5. A further Case Management Conference is set for May 10, 2016 at 2 p.m. A Joint
9 Case Management Statement shall be filed on May 3, 2016.

10 I am concerned about the length of this delay, but am cognizant of the benefit that the
11 mediation scheduled with Mr. Rudy may bring. I should emphasize that I expect all of the
12 discovery necessary to have an effective mediation to have been completed prior to mediation
13 and that, given the lengthy extensions already granted, I do not foresee any further extension of
14 the class certification schedule.

15
16 **IT IS SO ORDERED.**

17 Dated: October 21, 2015

18 
United States District Judge