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 JOHN MUIR HEALTH
 14 (erroneously sued herein as "John Muir Medical
 Center")

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

19 MARLENE PEREZ, an individual, and
 ROSA CERISANO, an individual,

20 Plaintiff,

21 vs.

22 JOHN MUIR HEALTH, a California
 23 corporation, JOHN MUIR MEDICAL
 24 CENTER, an unknown business entity,
 and DOES 1-20, et al

25 Defendants.

CASE NO. 15-01792 HSG

26 **STIPULATION AND ~~PROPOSED~~**
ORDER REGARDING
CONTINUANCE OF TRIAL DATE
AND PRETRIAL DATES

Hon. Judge Haywood S. Gilliam, Jr.

Complaint Filed: April 21, 2015

1 **STIPULATION**

2 Pursuant to Civil Local Rules 40-1 and 7-12, the Plaintiffs Marlene Perez
3 and Rosa Cerisano and Defendant John Muir Health (hereafter collectively referred
4 to as “the Parties”), through their attorneys of record, hereby jointly stipulate to
5 request a continuance of the current trial date of July 11, 2016 to November 2,
6 2016 or a date thereafter convenient to the Court based on the good cause set forth
7 below.

8 WHEREAS the trial date for this action is set for July 11, 2016;

9 WHEREAS lead trial counsel for Defendant, Michael Bruno, has just
10 learned that he is expecting a baby in June 2016 and will be caring for the newborn
11 in the following weeks, impacting his ability meet ongoing demands of trial
12 preparation for this case;

13 WHEREAS the Complaint was filed in this action on April 21, 2015 in the
14 above-entitled court;

15 WHEREAS a case management conference was held on July 21, 2015;

16 WHEREAS trial is presently set in this matter for July 11, 2016;

17 WHEREAS the pretrial conference is presently set for June 28, 2016;

18 WHEREAS the discovery cut-off in the case is February 5, 2016;

19 WHEREAS the Court, pursuant to the July 29, 2015 Case Management
20 Order, referred this matter to Early Neutral Evaluation;

21 WHEREAS the Parties conducted a joint conference with the appointed
22 Early Neutral Evaluation on December 15, 2015;

23 WHEREAS the Parties have engaged in initial written discovery and have
24 taken several key witness depositions, and have been diligently working on
25 completing the same;

26 WHEREAS the Parties are continuing to meet and confer regarding
27 Plaintiffs’ intent to seek leave of this Court to file a First Amended Complaint to
28

1 clean up the pleading based on recent discovery, but a stipulation has not yet been
2 reached;

3 WHEREAS associate trial counsel for Defendant, Hieu Tran, scheduled her
4 wedding for September 3, 2016, based on the July 11, 2016 trial date, and her
5 ability to meet the ongoing demands of trial preparation for this case will be
6 adversely impacted if the trial date is continued from July 11, 2016 to a trial date in
7 August or September 2016;

8 WHEREAS, the Parties bring this issue to the Court's attention to avoid this
9 scheduling conflict;

10 WHEREAS the Defendants would be severely prejudiced if they have to
11 proceed with trial on July 11, 2016, given the unavailability of counsel leading up
12 to the trial date;

13 WHEREAS there has been no prior continuance of the trial date in this
14 matter;

15 WHEREAS after having engaged in meet and confer discussions, the Parties
16 have agreed to continue the trial date and have all dates, including discovery and
17 motion deadlines, conform to any continued trial date set by this Court; and

18 For the foregoing reasons, the Parties agree to the following extensions of
19 time:

21 Event	Current Date	Proposed Date
22 Fact Discovery Cutoff	February 5, 2016	June 10, 2016
23 Deadline to Exchange Initial Expert Reports	February 12, 2016	June 17, 2016
24 Deadline to File Dispositive Motions	February 23, 2016	June 28, 2016
25 Deadline to File Oppositions to 26 Dispositive Motions	March 15, 2016	July 19, 2016
27 Deadline to File Replies	March 25, 2016	July 29, 2016

