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26 **UNITED STATES DISTRICT COURT**
 27 **NORTHERN DISTRICT OF CALIFORNIA**
 28 **SAN FRANCISCO DIVISION**

19 STEVE SHIELDS,

20 Plaintiff.

21 v.

22 ALERE HOME MONITORING, INC., and
 23 ALERE SAN DIEGO, INC.

24 Defendants.

Case No. 3:15-cv-02580-CRB

Hon. Charles R. Breyer

**JOINT STIPULATION AND ORDER TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE AND ADR DEADLINES**



1 Pursuant to Civil Local Rules 16-2 and 7-12, Plaintiff Steve Shields (“Plaintiff”) and
2 Defendants Alere Home Monitoring, Inc. and Alere San Diego, Inc. (“Defendants”), hereby agree
3 and stipulate that good cause exists to request an order from the Court rescheduling the Initial
4 Case Management Conference currently set for September 11, 2015.

5 WHEREAS, Plaintiff filed a Complaint on June 10, 2015 and a First Amended Complaint
6 on July 27, 2015, and thereafter served the First Amended Complaint on Defendants;

7 WHEREAS, on June 11, 2015, the Court Clerk automatically assigned this case to the
8 ADR Multi-Option Program, pursuant to ADR Local Rule 3-3(a) (Dkt. # 4). On June 12, 2015, the
9 Clerk issued an order assigning this case to Your Honor, which vacated all dates scheduled at the
10 time, but noted that “briefing schedules, including ADR and other deadlines remain unchanged.”
11 The Parties mistakenly understood that the ADR Certification, Stipulation to the ADR Process,
12 and Notice of Need for an ADR Phone Conference were not “briefing,” and thus that their
13 deadlines had been vacated. On August 28, 2015, the Clerk issued an Order calling on the parties
14 to file those ADR documents (Dkt. # 18).

15 WHEREAS, on June 18, 2015, the Court scheduled a Case Management Conference for
16 September 11, 2015 (Dkt. #9), and set the deadline for filing a Joint Case Management Statement
17 as September 4, 2015;

18 WHEREAS, on August 19, 2015, the Parties filed a Joint Stipulation to Extend Time to
19 Respond (Dkt. #17) in which the Parties agreed, pursuant to Local Rule 6-1(a), that Defendants
20 shall have until September 4, 2015 to respond to the First Amended Complaint;

21 WHEREAS, based on their review of the original Complaint, Defendants plan to file a
22 motion to dismiss in response to the Amended Complaint;

23 WHEREAS, the deadline for the Case Management Statement is currently the same as the
24 deadline for Defendants’ response, and the Case Management Conference set for September 11,
25 2015 would take place before Defendants’ motion to dismiss is fully briefed and decided by the
26 Court;

27 WHEREAS, the Parties believe that, in order to avoid the needless waste of the Court’s
28 and the Parties’ resources, it would be prudent to defer the initial case management conference and

1 ADR deadlines until after Defendants' motion to dismiss is filed, fully briefed, and decided;

2 WHEREAS, the Parties do not seek to reset these dates for the purpose of delay, and the
3 proposed new dates will not have an effect on any pre-trial and trial dates as the Court has yet to
4 schedule these dates; and

5 NOW, THEREFORE, the Parties hereby stipulate and respectfully request that the Court
6 continue the Case Management Conference until thirty (30) days after either the court decides
7 Defendants' motion to dismiss or Defendants file an answer to the First Amended Complaint. The
8 Parties will file their Joint Case Management Statement at least seven days before the scheduled
9 Case Management Conference. Further, the parties also respectfully request that the court extend
10 the deadline to comply with the ADR requirement until the date of the Case Management
11 Conference.

12
13 **IT IS SO STIPULATED.**

14 Dated: September 1, 2015

By:

/s/ Stephanie Sheridan

Stephanie Sheridan

Anthony Anscombe

Meegan Brooks

SEDGWICK LLP

Counsel for Defendants

ALERE HOME MONITORING, INC. and

ALERE SAN DIEGO, INC.

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20 Dated: September 1, 2015

By:

/s/ Stuart Talley

Stuart Talley

William Kershaw

KERSHAW, CUTTER, & RATINOFF LLP

Counsel for Plaintiff

STEVE SHIELDS

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ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I, Stephanie Sheridan, attest that all other signatories listed herein, and on whose behalf this filing is being submitted, concur in this filing's content and have authorized the filing.

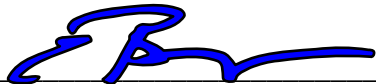
By: /s/ Stephanie Sheridan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Case Management Conference and ADR deadlines are continued until thirty (30) days after either the court decides Defendant's motion to dismiss or Defendant files an answer to the First Amended Complaint.

Case management conference set for November 13, 2015 at 8:30 a.m.

DATED: Sept. 3, 2015

By: 
Hon. Charles R. Breyer
UNITED STATES DISTRICT JUDGE

Sedgwick^{LLP}