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16 Attorneys for Plaintiff

17 **IN THE UNITED STATES DISTRICT COURT**  
 18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN FRANCISCO DIVISION**

20 DAVID BAIN, ALAINA BAIN, and  
 21 DAYNA BAIN, individuals,  
 22 Plaintiff,  
 23 v.  
 24 UNITED HEALTHCARE INC., et  
 25 al.,  
 26 Defendants.

Case No.: 15-cv-3305-EMC

**JOINT STIPULATION TO  
 AMEND COMPLAINT AND  
 FOR DISMISSAL OF  
 DEFENDANT UNITED  
 HEALTHCARE INC. WITHOUT  
 PREJUDICE, and  
 [proposed] ORDER**

1 Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure all  
2 parties hereby stipulate

3 (1) to the filing of Plaintiffs' Amended Complaint, attached as  
4 Exhibit A hereto and filed herewith, to name OXFORD HEALTH  
5 INSURANCE, INC. and UNITED BEHAVIORAL HEALTH as defendants;

6 (2) to the dismissal *without prejudice* of original Defendant UNITED  
7 HEALTHCARE INC.;

8 (3) that Defendants waive notice and service of the amended  
9 complaint;

10 (4) no current outstanding discovery or discovery disputes will be  
11 affected by the foregoing amendment and dismissal; and

12 (5) that the Answer(s) of newly named Defendants OXFORD  
13 HEALTH INSURANCE and UNITED BEHAVIORAL HEALTH shall be  
14 due within 20 calendar days following the date of filing hereof.

15  
16 Dated: March 22, 2017

/s/ Joseph A. Creitz

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Joseph A. Creitz,  
CREITZ & SEREBIN LLP

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19 /s/ Nicholas A. Carlin

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Nicholas A. Carlin,  
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

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22 Counsel for Plaintiffs

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24 Dated: March 22, 2017

/s/ Timonthy J. Nally

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Timothy J. Nally  
LEWIS BRISBOIS BISGAARD & SMITH, LLP  
Counsel for Defendant United

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**ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: March 22, 2017

/s/ Joseph A. Creitz  
Attorney for Plaintiff

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~~[proposed]~~ ORDER PURSUANT TO STIPULATION

Pursuant to the stipulation of the parties, and good cause appearing, the court hereby orders as follows:

- (1) Plaintiffs' Amended Complaint, attached as Exhibit A to said stipulation shall be deemed filed as of the date upon which it was electronically filed;
- (2) Defendant UNITED HEALTHCARE INC. is hereby dismissed *without prejudice*;
- (3) Defendants waive notice and service of the amended complaint;
- (4) Any current outstanding discovery or discovery disputes will be unaffected by the foregoing; and
- (5) The Answer(s) of newly named Defendants OXFORD HEALTH INSURANCE and UNITED BEHAVIORAL HEALTH shall be due within 20 calendar days following the date of filing of the aforementioned stipulation.

IT IS SO ORDERED.

Dated: 3/23/17

