

LEWIS BRISBOIS BISGAARD & SMITH LLP

1 GREG L. JOHNSON, SB# 132397
E-Mail: Greg.Johnson@lewisbrisbois.com
2 TIMOTHY J. NALLY, SB# 288728
E-Mail: Timothy.Nally@lewisbrisbois.com
3 2020 W. El Camino Avenue, Suite 700
Sacramento, California 95833
4 Telephone: 916.564.5400
5 Facsimile: 916.564.5444

6 Attorneys for Defendant,
UNITED HEALTHCARE INC.

7
8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10
11 DAVID BAIN, DAYNA BAIN and ALAINA
BAIN, individuals, ,

12 Plaintiffs,

13 vs.

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15 OXFORD HEALTH INSURANCE, INC. and
UNITED BEHAVIORAL HEALTH, in their
16 capacities as insurers, administrators, and
fiduciaries of the Sagent Advisors Inc. Group
17 Health Plan, an ERISA-regulated welfare plan,

18 Defendants.

CASE NO. 3:15-cv-03305-EMC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Trial Date: None Set

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20 Plaintiffs David Bain, Dayna Bain, and Alaina Bain (collectively, “Plaintiffs”) and
21 Defendants Oxford Health Insurance, Inc. and United Behavioral Health (collectively,
22 “Defendants”) do hereby stipulate and agree as follows:

23 **RECITALS**

24 WHEREAS, Plaintiffs and Defendants previously stipulated to a stay of this litigation in
25 light of the pending matters of Wit v. United Behavioral Health, N.D. Cal. Case No. 14-cv-02346-
26 JCS, and Alexander v. United Behavioral Health, N.D. Cal. Case No. 14-cv-05337-JCS
27 (collectively, “Wit”) (see Dkt. 76);

1 WHEREAS, the docket in Wit indicates that trial in that matter concluded on or about
2 November 1, 2017, and that post-trial briefing has been submitted, but no judgment has been
3 entered;

4 WHEREAS, there is currently scheduled in this litigation a case management conference
5 on May 31, 2018 (see Dkt. 80);

6 WHEREAS, Plaintiffs and Defendants agree that a judgment in Wit may impact this
7 litigation, and all wish to continue the case management conference to allow additional time for a
8 judgment to be issued in Wit so its impact on this litigation can be assessed.

9 **STIPULATION**

10 THEREFORE, in consideration of the foregoing recitals, Plaintiffs and Defendants hereby
11 stipulate and agree that the case management conference scheduled for May 31, 2018, should be
12 continued to August 2, 2018, at 10:30 a.m., or to a date and time thereafter that the Court deems
13 appropriate.

14 The undersigned, on behalf of their respective clients, do so stipulate.

15 Respectfully submitted.

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1 DATED: May 17, 2018

LEWIS BRISBOIS BISGAARD & SMITH LLP

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By: /s/ Greg L. Johnson

Greg L. Johnson

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Timothy J. Nally

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Attorneys for Defendants OXFORD HEALTH
INSURANCE, INC. AND UNITED

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BEHAVIORAL HEALTH

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8 DATED: May 17, 2018

PHILIPS, ERLEWINE, GIVEN & CARLIN LLP
CREITZ & SEREBIN LLP

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By: /s/ Joseph Creitz

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Joseph Creitz

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Co-Counsel for Plaintiffs DAVID BAIN, DAYNA
BAIN and ALAINA BAIN

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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: May 17, 2018

/s/ Greg L. Johnson
Greg L. Johnson
Attorneys for Defendants

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ORDER UPON STIPULATION

Pursuant to the stipulation of the parties and good cause appearing, the Court hereby continues the case management conference scheduled for May 31, 2018, to August 2, 2018, at 10:30 a.m.

It is so ORDERD.

DATED: 5/21/18

