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9 Attorneys for Defendants
 10 COUNTY OF ALAMEDA NANCY E. O'MALLEY,
 11 JOHN PAUL WILLIAMS and EDDIE BERMUDEZ

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 GARY MARTINOVSKY, M.D., and
 15 INTEGRATED PAIN CARE, INC.,

16 Plaintiffs,

17 v.

18 COUNTY OF ALAMEDA, DISTRICT
 19 ATTORNEY NANCY E. O'MALLEY, in Her
 20 Official and Individual Capacities, DA
 21 INSPECTORS JOHN PAUL WILLIAMS and
 22 EDDIE BERMUDEZ, CALIFORNIA
 23 DEPARTMENT OF INSURANCE
 24 DETECTIVE FERNANDO CUBANGBANG,
 25 and DOES 1 to 20,

26 Defendants.

Case No. 3:16-cv-00403-MMC

**STIPULATED REQUEST TO EXTEND TIME TO
 RESPOND TO AMENDED COMPLAINT; ORDER
 APPROVING STIPULATION**

Hon. Maxine M. Chesney

1 Plaintiffs GARY MARTINOVSKY, M.D., and INTEGRATED PAIN CARE, INC., and
2 Defendants COUNTY OF ALAMEDA, NANCY E. O'MALLEY, JOHN PAUL WILLIAMS, EDDIE
3 BERMUDEZ, and FERNANDO CUBANGBANG, (hereinafter "Defendants,") by and through their
4 counsel of record, hereby represent to the Court as follows:

5 WHEREAS, on January 22, 2016, Plaintiffs filed their Complaint in the above captioned action;

6 WHEREAS, pursuant to an agreed-upon extension of time, on April 7, 2016, Defendants County
7 of Alameda, Nancy E. O'Malley, John Paul Williams, and Eddie Bermudez (hereinafter "COUNTY
8 Defendants,") filed a Motion to Dismiss Plaintiffs' Complaint and, in the alternative, Motion for a More
9 Definite Statement;

10 WHEREAS, pursuant to an agreed-upon extension of time, on April 8, 2016, Defendant
11 Cubangbang filed a Motion to Dismiss Plaintiffs' Complaint and, in the alternative, a Request to Stay the
12 matter.

13 WHEREAS, on May 20, 2016, a hearing on the Motions to Dismiss, Motion for a More Definite
14 Statement, and Request to Stay was held, and as to Defendants' Motions to Dismiss, the Motions were
15 granted without leave to amend in part and with leave to amend in part.

16 WHEREAS, Plaintiffs were given until June 24, 2016 to file a First Amended Complaint;

17 WHEREAS, Plaintiffs' First Amended Complaint in the above captioned action was filed and
18 served on COUNTY Defendants on June 24, 2016, requiring a response date of July 8, 2016

19 WHEREAS, attorney for COUNTY Defendants, Michael C. Wenzel was on vacation from June
20 20, 2016 to June 27, 2016;

21 WHEREAS, the Initial Case Management Conference is not scheduled until September 16, 2016;

22 WHEREAS, a pre-trial diversion Order was entered in the underlying criminal proceedings
23 related to this action, potentially impacting whether a brief stay may be appropriate in this action, which
24 is not set to terminate prior to August 31, 2016;

25 WHEREAS, extending the date for Defendants to respond to the First Amended Complaint will
26 not alter the date of any event or deadline already fixed by Court order;

27 IT IS HEREBY STIPULATED AND AGREED, subject to court approval, by and between the
28 undersigned counsel on behalf of the parties that Defendants will file and serve a response to the First

1 Amended Complaint on or before July 25, 2016.

2 It is so stipulated and agreed.

3
4 Dated: July 5, 2016

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

5
6 By: /s/ Michael Wenzel
7 Michael C. Wenzel
8 Attorney for Defendants
9 COUNTY OF ALAMEDA NANCY E. O'MALLEY,
10 JOHN PAUL WILLIAMS and EDDIE BERMUDEZ

11
12 Dated: July 1, 2016

THE LAW OFFICES OF JOHN BURTON

13
14 By: /s/ John Burton
15 John Burton
16 Ariana R. M. Gebauer
17 Attorney for Plaintiffs
18 GARY MARTINOVSKY, M.D., and INTEGRATED
19 PAIN CARE, INC.

20
21 Dated: July 5, 2016

KAMALA D. HARRIS
Attorney General of California

22
23 By: /s/ John Devine
24 John P. Devine
25 Supervising Deputy Attorney General
26 Attorney for Defendant
27 FERNANDO CUBANGBANG

28
ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by plaintiff’s counsel to show their signature on this document as /s/.

Dated: July 5, 2016


By: /s/ Michael Wenzel
Michael C. Wenzel

1 **ORDER**

2 GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to the same, the
3 parties' stipulation is hereby APPROVED. Defendants will file and serve a response to the First
4 Amended Complaint on or before July 25, 2016.

5 **IT IS SO ORDERED.**

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7 Dated: July 6, 2016

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MAXINE M. CHESNEY
United States District Judge