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13 Attorneys for Plaintiffs Gary Martinovsky, M.D., and  
 14 Integrated Pain Care, Inc.

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

19 GARY MARTINOVSKY, M.D., and  
 20 INTEGRATED PAIN CARE, INC.,

21 Plaintiffs,

22 v.

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

Defendants.

Case No. 3:16-CV-403 MMC

**STIPULATION TO EXTEND TIME  
 TO FILE OPPOSITIONS TO  
 MOTIONS TO DISMISS AND TO  
 CONTINUE HEARING; ORDER**

29 The parties hereto, through their respective attorneys of record, hereby stipulate  
 30 and agree, should the Court find it appropriate and convenient, as follows:

1 On January 22, 2016, Plaintiffs filed their Complaint in the above captioned  
2 action;

3 Pursuant to an agreed-upon extension of time, on April 7, 2016, Defendants  
4 County of Alameda, Nancy E. O'Malley, John Paul Williams, and Eddie Bermudez (the  
5 "County Defendants") filed a Motion to Dismiss Plaintiffs' Complaint and, in the  
6 alternative, Motion for a More Definite Statement; and on April 8, 2016, Defendant  
7 Cubangbang filed a Motion to Dismiss Plaintiffs' Complaint and, in the alternative, a  
8 Request to Stay the matter. Plaintiffs timely filed oppositions.

9 On May 20, 2016, the Court heard oral argument on Defendants' motions, and  
10 issued an order with various rulings, and granted Plaintiffs leave to file an amended  
11 complaint no later than June 24, 2016.

12 Plaintiffs timely filed the First Amended Complaint, requiring Defendants' to  
13 respond by July 8, 2016. That date was continued by stipulation and order to July 25,  
14 2016. Defendants timely filed motions to dismiss and for other relief, with a hearing set  
15 for September 9, 2016.

16 The Initial Case Management Conference is scheduled for September 16, 2016,  
17 with the joint case management statement due on September 9, 2016.

18 Counsel for Plaintiffs have requested, and Counsel for Defendants have agreed,  
19 to a two-week continuance of all dates. The reason is that under the current schedule  
20 Plaintiffs' responses are due on August 8, 2016. John Burton, lead counsel for Plaintiff,  
21 has a pre-paid vacation out of state for July 30 through August 10.

22 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  
24 this action, which is set to expire at some time between August 31 and September 29,  
25 2016. Accordingly, the continued dates for hearing on the motions and the Initial Case  
26 Management Conference will likely fall after the criminal case is terminated, mooting  
27 any abstention issues.

28

1 IT IS HEREBY STIPULATED AND AGREED, subject to court approval, by  
2 and between the undersigned counsel on behalf of the parties that:

3 1. Plaintiffs file and serve their oppositions to Defendants' pending motions  
4 to dismiss and for other relief no later than August 22, 2016, and Defendants file and  
5 serve their replies by August 29, 2016.

6 2. The hearing on Defendants' Motions (Docket Nos. 46, 47 and 48), be set  
7 for September 23, 2016, at 10:00 a.m.

8 3. The Initial Case Management Conference be set for October 7, 2016, with  
9 the joint case management statement due on September 30, 2016.

10 It is so stipulated and agreed.

11 Dated: July 27, 2016

THE LAW OFFICES OF JOHN BURTON  
HADDAD & SHERWIN

12 /S/ John Burton  
13 By: \_\_\_\_\_  
14 John Burton  
Attorneys for Plaintiffs

15 KAMALA D. HARRIS  
Attorney General of California

16 /S/ John P. Devine  
17 By: \_\_\_\_\_  
18 John P. Devine  
Supervising Deputy Attorney General  
Attorneys for Defendant Fernando Cubangbang

19 BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

20 /S/ Michael C. Wenzel  
21 By: \_\_\_\_\_  
22 Michael C. Wenzel  
Attorneys for County Defendants

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ATTORNEY ATTESTATION

I 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 counsel to show their signature on this document as /S/.

Dated: July 27, 2016

By:       /S/ John Burton        
          John Burton  
          Counsel For Plaintiffs

**ORDER**

GOOD CAUSE APPEARING THEREFORE, and the parties’ having stipulated to the same, the parties’ stipulation is hereby APPROVED.

1. Plaintiffs shall file and serve their oppositions to Defendants’ pending motions to dismiss and for other relief no later than August 22, 2016, and Defendants shall file and serve their replies by August 29, 2016.

2. The hearing on Defendants’ Motions (Docket Nos. 46, 47 and 48), shall on September 23, 2016, at ~~10:00~~<sup>9:00</sup> a.m.

3. The Initial Case Management Conference shall be held ~~September 30, 2016~~<sup>October 21, 2016</sup>, with the joint case management statement due on ~~September 23, 2016~~<sup>October 14, 2016</sup>.

IT IS SO ORDERED.

Dated: July 29, 2016

  
United States District Judge