

1 MANATT, PHELPS & PHILLIPS, LLP
 GREGORY N. PIMSTONE (CA Bar No. 150203)
 2 JOHN LEBLANC (CA Bar No. 155842)
 ILEANA M. HERNANDEZ (CA Bar No. 198906)
 3 LEAH R. ADAMS (CA Bar No. 266645)
 11355 West Olympic Boulevard
 4 Los Angeles, CA 90064-1614
 Telephone: (310) 312-4000
 5 Facsimile: (310) 312-4224

6 Attorneys for Defendant
 CALIFORNIA PHYSICIANS' SERVICE dba
 7 BLUE SHIELD OF CALIFORNIA

8 KANTOR & KANTOR, LLP
 GLENN R. KANTOR (CA Bar No. 122643)
 9 TIMOTHY J. ROZELLE (CA Bar No. 298332)
 19839 Nordhoff Street
 10 Northridge, CA 91324
 Telephone: (818) 886-2525
 11 Facsimile: (818) 350-6272

12 Attorneys for Plaintiff
 ADRIANA BARBOR

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 ADRIANA BARBOR,
 18 Plaintiff,

19 v.

20 CALIFORNIA PHYSICIANS' SERVICE
 21 dba BLUE SHIELD OF CALIFORNIA,
 22 Defendant.

Case No. 3:16-cv-01773-WHO

Honorable William H. Orrick

**STIPULATION AND ORDER TO
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND TO
 EXTEND TIME FOR DEFENDANT
 CALIFORNIA PHYSICIANS' SERVICE
 DBA BLUE SHIELD OF CALIFORNIA TO
 RESPOND TO THE SECOND AMENDED
 COMPLAINT**

Complaint Filed: April 7, 2016

1 Plaintiff Adriana Barbor (“Plaintiff”) and Defendant California Physicians’ Service dba
2 Blue Shield of California (“Blue Shield” or “Defendant”) stipulate, pursuant to Civil Local Rule
3 6-2, as follows:

4 1. Plaintiff filed this action against Blue Shield Life & Health Insurance Company
5 (“Blue Shield Life”) on April 7, 2016. [Dkt. No. 1.] The case was assigned to the Honorable
6 Haywood S. Gilliam, Jr.

7 2. On May 20, 2016, Plaintiff filed her First Amended Complaint (“FAC”). [Dkt. No.
8 13.] On June 3, 2016, Blue Shield Life informed Plaintiff’s counsel of various defects it had
9 identified with the FAC, including, among other things, that Plaintiff had named the wrong entity.
10 At that time, Blue Shield Life stated that it believed that several arguments it had raised in its
11 motion to dismiss portions of the second amended complaint in Homampour, et al. v. Blue Shield
12 of California Life and Health Insurance Company, et al., Case No. 15-cv-05003-WHO, were
13 applicable to the Barbor FAC.

14 3. On June 9, 2016, the parties filed a stipulation regarding the filing of an amended
15 complaint and continuation of the case management conference initially set for July 19, 2016.
16 [Dkt. No. 15.] On June 10, 2016, the Court entered the parties’ stipulation. [Dkt. No. 16.]
17 Pursuant to the Court’s Order, Plaintiff’s Second Amended Complaint (“SAC”) was due on June
18 17, 2016, Defendant’s response was due on July 18, 2016, and the initial case management
19 conference was continued to August 16, 2016, at 2:00 p.m.

20 4. On June 16, 2016, Defendant’s counsel contacted Plaintiff’s counsel, who are also
21 counsel to the Homampour plaintiffs, and inquired whether they intended to file an
22 Administrative Motion to Consider Whether Cases Should Be Related, pursuant to Civil Local
23 Rule 3-12 (“Administrative Motion”), with respect to the Homampour and Barbor cases.

24 5. Plaintiff filed her SAC in this action on June 17, 2016. [Dkt. No. 17.] In the SAC,
25 Plaintiff substituted Blue Shield for Blue Shield Life, which had been incorrectly named as the
26 defendant in this case.

27 6. On June 30, 2016, Plaintiff’s counsel confirmed that they would proceed with the
28 Administrative Motion to relate Barbor to Homampour.

1 7. On July 12, 2016, the parties filed a stipulation to further extend time for Blue
2 Shield to respond to the SAC, due to the possibility that Barbor and Homampour would be
3 related upon filing of the Administrative Motion to relate the cases, and because Blue Shield
4 intended to raise similar arguments in its motion to dismiss Plaintiff's SAC as it has already
5 raised in the pending motion to dismiss in Homampour. The parties also requested to continue the
6 initial case management conference until after Blue Shield's response deadline. [Dkt. No. 22.]

7 8. On July 12, 2016, the Homampour plaintiffs filed the Administrative Motion.
8 [Homampour Dkt. No. 32.]

9 9. On July 15, 2016, the Court entered an Order extending the deadline for Blue
10 Shield to respond to the SAC until August 12, 2016. The Order further provided that, in the event
11 that Blue Shield files a motion to dismiss the SAC, the Court would vacate the initial case
12 management conference set for August 16, 2016. [Dkt. No. 25.]

13 10. On July 18, 2016, Blue Shield filed its response supporting the Administrative
14 Motion.

15 11. On July 21, 2016, Judge Orrick entered an order relating Barbor and Homampour.
16 [Homampour Dkt. No. 36; Barbor Dkt. No. 26.] Barbor was therefore reassigned to Judge
17 Orrick. Judge Orrick re-set the Barbor initial case management conference for August 16, 2016 at
18 2:00 p.m. before Judge Orrick. [Dkt. No. 27.]

19 12. The Homampour motion to dismiss hearing is scheduled for August 10, 2016.

20 13. The parties agree that, because Blue Shield intends to raise similar arguments in its
21 motion to dismiss Plaintiff's SAC as it has already raised in the pending motion to dismiss in the
22 related case, Homampour, Blue Shield's time to respond to Plaintiff's SAC should be extended to
23 30 days following the August 10, 2016 hearing on the Homampour motion to dismiss. The parties
24 agree that the Court's ruling on the Homampour motion to dismiss will inform Blue Shield's
25 response to Plaintiff's SAC, and the extension will therefore serve judicial efficiency and avoid
26 needless duplication of resources. Blue Shield's time to move, answer, or otherwise respond to
27 the SAC is therefore extended to and including September 9, 2016.

1 14. In the event the Court takes the Homampour motion to dismiss under submission
2 and does not issue a ruling on the motion to dismiss on August 10, 2016, the parties agree that
3 they may file a stipulation seeking a further extension of time for Blue Shield to respond to
4 Plaintiff's SAC.

5 15. The parties also agree that the initial case management conference should be
6 continued until after Blue Shield's response deadline. The parties agree to continue the initial case
7 management conference to Tuesday, September 13, 2016 at 2:00 p.m., or a subsequent date
8 convenient to the Court.

9 **IT IS SO STIPULATED.**

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11 Dated: July 26, 2016

KANTOR & KANTOR, LLP

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14 By: /s/ Timothy J. Rozelle

Glenn R. Kantor
Timothy J. Rozelle
Attorneys for Plaintiff
ADRIANA BARBOR

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16
17 Dated: July 26, 2016


MANATT, PHELPS & PHILLIPS, LLP

18
19 By: /s/ Leah R. Adams

Gregory N. Pimstone
John LeBlanc
Ileana M. Hernandez
Leah R. Adams
Attorneys for Defendant
CALIFORNIA PHYSICIANS' SERVICE DBA
BLUE SHIELD OF CALIFORNIA

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24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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26 Dated: July 27, 2016



Honorable William H. Orrick
United States District Court Judge