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ADRIANA BARBOR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ADRIANA BARBOR,  
Plaintiff,

v.

CALIFORNIA PHYSICIANS' SERVICE  
dba BLUE SHIELD OF CALIFORNIA,  
Defendant.

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

Honorable William H. Orrick

**STIPULATION AND  
ORDER TO CONTINUE THE INITIAL  
CASE MANAGEMENT CONFERENCE  
AND TO ALLOW PLAINTIFF TO FILE A  
THIRD 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 had 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 filed 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.      On July 26, 2016, the parties filed a stipulation before Judge Orrick, agreeing to  
20 extend Blue Shield's time to respond to Plaintiff's SAC to 30 days following the August 10, 2016  
21 hearing on the *Homampour* motion to dismiss, because the Court's ruling on that motion would  
22 inform Blue Shield's response to Plaintiff's SAC. [*Barbor* Dkt. No. 28.] The parties also agreed  
23 that, in the event the Court took the *Homampour* motion to dismiss under submission on August  
24 10, 2016, the parties could file a stipulation seeking a further extension of time for Blue Shield to  
25 respond to Plaintiff's SAC. [*Id.*] Finally, the parties also agreed to continue the initial case  
26 management conference until after Blue Shield's response deadline, to September 13, 2016. [*Id.*]  
27 The Court entered its Order on the stipulation on July 27, 2016. [Dkt. No. 30.]

28          13.      The *Homampour* motion to dismiss hearing occurred on August 10, 2016. While

1 the motion is still under submission, the Court indicated in its minutes that its Order would grant  
2 leave to file an amended complaint two weeks after the scheduled September 19, 2016 mediation.  
3 [*Homampour* Dkt. No. 41.]

4 14. The parties have agreed that Plaintiff, like the *Homampour* plaintiffs, will file an  
5 amended complaint two weeks after the scheduled September 19, 2016 mediation, by October 3,  
6 2016. Blue Shield will have until October 24, 2016 to respond to Plaintiff's third amended  
7 complaint.

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

12 16. In the event that Blue Shield files a motion to dismiss Plaintiff's third amended  
13 complaint, the parties agree that they will file a stipulation to move the initial case management  
14 conference to the date of the hearing on Blue Shield's motion.

15 **IT IS SO STIPULATED.**

16  
17 Dated: August 22, 2016

KANTOR & KANTOR, LLP

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20 By: /s/ Timothy J. Rozelle

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Timothy J. Rozelle

*Attorneys for Plaintiff*

ADRIANA BARBOR

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22  
23 Dated: August 22, 2016

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CALIFORNIA PHYSICIANS' SERVICE DBA

BLUE SHIELD OF CALIFORNIA

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

Dated: August 23, 2016



Honorable William H. Orrick  
United States District Court Judge