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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 SET BRIEFING SCHEDULE
 ON DEFENDANT CALIFORNIA
 PHYSICIANS' SERVICE DBA BLUE
 SHIELD OF CALIFORNIA'S MOTION TO
 DISMISS AND TO CONTINUE THE
 INITIAL CASE MANAGEMENT
 CONFERENCE**

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 of California Life & Health Insurance
5 Company (“Blue Shield Life”) on April 7, 2016. (Dkt. No. 1.)

6 2. On May 20, 2016, Plaintiff filed her First Amended Complaint (“FAC”). (Dkt. No.
7 13.)

8 3. On June 9, 2016, the parties filed a stipulation regarding the filing of an amended
9 complaint and continuation of the case management conference initially set for July 19, 2016.
10 (Dkt. No. 15.) On June 10, 2016, the Court entered the parties’ stipulation. (Dkt. No. 16.)

11 Pursuant to the Court’s Order, Plaintiff’s Second Amended Complaint (“SAC”) was due on June
12 17, 2016, Defendant’s response was due on July 18, 2016, and the initial case management
13 conference was continued to August 16, 2016.

14 4. Plaintiff filed her SAC in this action on June 17, 2016. (Dkt. No. 17.) In the SAC,
15 Plaintiff substituted Blue Shield for Blue Shield Life, which had been incorrectly named as the
16 defendant in this case.

17 5. On July 12, 2016, the parties filed a stipulation to further extend time for Blue
18 Shield to respond to the SAC, due to the possibility that this case and *Homampour v. California*
19 *Physicians’ Service*, Case No. 3:15-cv-05003-WHO, would be related upon filing of an
20 Administrative Motion to relate the cases, and because Blue Shield intended to raise similar
21 arguments in its motion to dismiss Plaintiff’s SAC as it has already raised in the pending motion
22 to dismiss in *Homampour*. The parties also requested to continue the initial case management
23 conference until after Blue Shield’s response deadline. (Dkt. No. 22.)

24 6. On July 15, 2016, the Court entered an Order extending the deadline for Blue
25 Shield to respond to the SAC until August 12, 2016. The Order further provided that, in the event
26 that Blue Shield filed a motion to dismiss the SAC, the Court would vacate the initial case
27 management conference set for August 16, 2016. (Dkt. No. 25.)

1 7. On July 21, 2016, this Court entered an order relating *Barbor* and *Homampour*.
2 (*Homampour* Dkt. No. 36; *Barbor* Dkt. No. 26.) *Barbor* was therefore reassigned to this Court.
3 The Court re-set the *Barbor* initial case management conference for August 16, 2016 at 2:00 p.m.
4 before Judge Orrick. (Dkt. No. 27.)

5 8. On July 26, 2016, the parties entered into a stipulation to continue the initial case
6 management conference to September 13, 2016 and to further extend the time for Blue Shield to
7 respond to the SAC, to September 19, 2016. The parties agreed that, in the event the Court took
8 the *Homampour* motion to dismiss under submission, the parties could file a stipulation seeking a
9 further extension of time for Blue Shield to respond to the SAC. (Dkt. No. 29.) The Court entered
10 its Order on the stipulation on July 27, 2016. (Dkt. No. 30.)

11 9. The *Homampour* motion to dismiss was heard on August 10, 2016, and the motion
12 was taken under submission. The Court indicated that it would grant the *Homampour* plaintiffs
13 leave to file an amended complaint two weeks after the parties' scheduled September 19, 2016
14 mediation. (*Homampour* Dkt. No. 41.)

15 10. On August 22, 2016, the parties entered into a stipulation to allow Plaintiff to also
16 file a third amended complaint ("TAC") within two weeks of the parties' scheduled September
17 19, 2016 mediation, by October 3, 2016. The parties also agreed to continue the initial case
18 management conference to November 8, 2016. The parties further agreed that, in the event that
19 Blue Shield files a motion to dismiss Plaintiff's TAC, the parties would file a stipulation to move
20 the initial case management conference to the date of the hearing on Blue Shield's motion. (Dkt.
21 No. 31.) The Court entered its Order on the stipulation on August 23, 2016. (Dkt. No. 33.)

22 11. On October 3, 2016, Plaintiff filed her TAC. (Dkt. No. 34.)

23 12. On October 17, 2016, the parties met and conferred by telephone. Blue Shield's
24 counsel informed Plaintiff's counsel that Blue Shield intends to file a motion to dismiss the TAC.

25 13. The parties agreed that Blue Shield's motion to dismiss will be heard on
26 Wednesday, December 14, 2016, at 2:00 p.m., or a date convenient to the Court. The parties also
27 agreed to stipulate to a briefing schedule for Blue Shield's motion to dismiss, due to the fact that
28

1 the parties will also be briefing a motion to dismiss in *Homampour* and because of the upcoming
2 Thanksgiving holiday.

3 14. The parties agreed upon the following briefing schedule: Plaintiff's opposition will
4 be due on November 14, 2016, and Blue Shield's reply will be due on December 5, 2016.

5 15. The parties also agreed to continue the initial case management conference to the
6 same date and time as the hearing on the motion to dismiss, namely, Wednesday, December 14,
7 2016, at 2:00 p.m.

8 **IT IS SO STIPULATED.**

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10 Dated: October 19, 2016

KANTOR & KANTOR, LLP

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13 By: /s/ Timothy J. Rozelle

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Timothy J. Rozelle
Attorneys for Plaintiff
ADRIANA BARBOR

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16 Dated: October 19, 2016

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17
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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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24 Dated: October 26, 2016



Honorable William H. Orrick
United States District Court Judge