

1 ANTHONY M. PEREZ, JR., Bar No. 113041
aperez@perezlawoffices.com
 2 **PEREZ LAW OFFICES**
 455 Capitol Mall, Suite 231
 3 Sacramento, CA 95814
 Tel: (916) 441-0500
 4 Fax: (916) 441-0555

5 CHARLES L. POST, Bar No. 160443
cpostl@weintraub.com
 6 BRENDAN J. BEGLEY, Bar No. 202563
bbegley@weintraub.com
 7 **WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN**
 Law Corporation
 8 400 Capitol Mall, 11th Floor
 Sacramento, CA 95814
 9 Telephone: (916) 558-6000
 Facsimile: (916) 446-1611

10 Attorneys for Plaintiff

11 [Additional Counsel Listed on Following Page]

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

16 VALERIE CASHON, on behalf of herself
and all others similarly situated,

17 Plaintiff,

18 v.

19 KINDRED HEALTHCARE
 20 OPERATING, INC., a Delaware
 Corporation; GENTIVA CERTIFIED
 21 HEALTHCARE CORP., a Delaware
 Corporation; and DOES 1 through 15
 22 inclusive,

23 Defendants.

Case No. 3:16-cv-04889 RS

**JOINT STIPULATION TO FURTHER
 EXTEND DEADLINE TO FILE MOTION
 FOR PRELIMINARY APPROVAL OF
 CLASS ACTION SETTLEMENT AND
 HEARING ON MOTION FOR
 PRELIMINARY APPROVAL;
 [PROPOSED] ORDER**

1 ELIZABETH STAGGS WILSON, Bar No. 183160

2 estaggs-wilson@littler.com

3 LITTLER MENDELSON, P.C.

4 2049 Century Park East, 5th Floor

5 Los Angeles, CA 90067.3107

6 Telephone: 310.553.0308

7 Facsimile: 310.553.5583

8 ALISON CUBRE, Bar No. 257834

9 acubre@littler.com

10 LISA LIN GARCIA, Bar No. 260582

11 llgarcia@littler.com

12 LITTLER MENDELSON, P.C.

13 333 Bush Street, 34th Floor

14 San Francisco, CA 94104.2842

15 Telephone: 415.433.1940

16 Facsimile: 415.399.8490

17 ANGELO SPINOLA, *appearance pro hac vice*

18 aspinola@littler.com

19 LITTLER MENDELSON, P.C.

20 3344 Peachtree Road NE, Suite 1500

21 Atlanta, GA 30326

22 Telephone: 404.233.0330

23 Facsimile: 404.233.2361

24 Attorneys for Defendants

25 KINDRED HEALTHCARE OPERATING, INC. and GENTIVA

26 CERTIFIED HEALTHCARE CORP.

27

28

1 Plaintiff VALERIE CASHON (“Plaintiff”) and Defendants KINDRED
2 HEALTHCARE OPERATING, INC. and GENTIVA CERTIFIED HEALTHCARE CORP.
3 (“Defendants”) (collectively, the “Parties”), through their respective counsel, hereby stipulate,
4 subject to Court approval, as follows.

5 WHEREAS, on November 19, 2017 the parties participated in mediation in this
6 action;

7 WHEREAS, on November 28, 2017, Plaintiff filed a Notice of Proposed Class
8 Settlement and Request for Preliminary Approval Hearing Date [Dkt No. 58] in which Plaintiff
9 informed the court of a proposed settlement and sought a motion for preliminary approval of class
10 action settlement hearing date in late January 2018;

11 WHEREAS, on November 28, 2017, the Court issued an Order Staying Currently Set
12 Date and Setting Schedule for Preliminary Approval [Dkt No. 59] in which the Court ordered the
13 parties to file the motion for preliminary approval by January 11, 2018 and set the hearing regarding
14 preliminary approval on February 1, 2018 at 1:30 p.m. in Courtroom 3;

15 WHEREAS, on January 10, 2018, the Parties requested and the Court approved the
16 Parties’ request to move the deadline to file the motion for preliminary approval from January 11,
17 2018 to January 25, 2018 and the hearing regarding preliminary approval from February 1, 2018 to
18 March 1, 2018 [Dkt Nos. 61 and 62];

19 WHEREAS, the Parties have been and continue to work diligently to prepare the
20 long-form stipulation regarding class settlement but have not yet finalized that agreement;

21 WHEREAS, the parties need further additional time to finalize that agreement after
22 which the motion for preliminary approval can be filed and heard;

23 WHEREAS, the parties believe that it would be most efficient for the parties and the
24 Court to continue by at least one month the deadline and hearing regarding motion for preliminary
25 approval;

26 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to
27 Court approval, as follows:
28

1 1. The deadline for Plaintiff to file her motion for preliminary approval currently
2 scheduled for January 25, 2018 shall be continued to March 1, 2018; and

3 2. The hearing on Plaintiff's motion for preliminary approval currently
4 scheduled for March 1, 2018 shall be continued to March 22, 2018 or the Court's earliest available
5 hearing date thereafter.

6 IT IS SO STIPULATED.

7
8 Dated: January 25, 2018

9 /s/ Anthony Perez

10 ANTHONY PEREZ
11 CHARLES L. POST
12 BRENDAN J. BEGLEY
Attorneys for Plaintiff
VALERIE CASHON

13 Dated: January 25, 2018

14 /s/ Lisa Lin Garcia

15 ELIZABETH STAGGS WILSON
16 ALISON J. CUBRE
17 LISA LIN GARCIA
18 ANGELO SPINOLA
Attorneys for Defendants
19 KINDRED HEALTHCARE OPERATING,
20 INC., and GENTIVA CERTIFIED
21 HEALTHCARE CORP.
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

Having considered the Parties' Joint Stipulation to Further Extend Deadline to File Motion for Preliminary Approval of Class Action Settlement and Hearing on Motion for Preliminary Approval, and good cause appearing therefor, the Court hereby orders as follows:

1. The deadline for Plaintiff to file her motion for preliminary approval is hereby continued from January 25, 2018 to March 1, 2018;

2. The hearing on Plaintiff's motion for preliminary approval shall be set on March 29, 2018 at 1:30 pm.

IT IS SO ORDERED

Dated: 1/26/18



HON. RICHARD SEEBORG