

Trucker ♦ Huss
A Professional Corporation
One Embarcadero Center, 12th Floor
San Francisco, California 94111

1 R. Bradford Huss SBN No. 71303
Clarissa A. Kang, SBN No. 210660
2 Timothy J. Rozelle, SBN No. 298332
TRUCKER ♦ HUSS
3 A Professional Corporation
One Embarcadero Center, 12th Floor
4 San Francisco, CA 94111
Telephone: (415) 788-3111
5 Facsimile: (415) 421-2017
E-mail: bhuss@truckerhuss.com
6 ckang@truckerhuss.com
trozelle@truckerhuss.com
7

8 Attorneys for Defendants
EARTHBOUND FARM, LLC,
9 NATURAL SELECTION FOODS
WELFARE BENEFITS PLAN, THE
10 WHITEWAVE FOODS COMPANY, and
THE WHITEWAVE FOODS COMPANY
11 HEALTH & WELFARE PLAN.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 THC – ORANGE COUNTY, INC., d/b/a
KINDRED HOSPITAL SAN FRANCISCO –
18 BAY AREA, a California corporation,

19 Plaintiff,

20 vs.

21 EARTHBOUND FARM, LLC; NATURAL
SELECTION FOODS WELFARE BENEFITS
22 PLAN; THE WHITEWAVE FOODS
COMPANY; THE WHITEWAVE FOODS
23 COMPANY HEALTH & WELFARE PLAN;
24 and DOES 1 to 100 inclusive,

25 Defendants.
26

Case No. 4:17-cv-01136-EMC

Hon. Edward M. Chen

**STIPULATION AND [~~PROPOSED~~] ORDER
TO FURTHER EXTEND TIME FOR
DEFENDANTS EARTHBOUND FARM,
LLC, NATURAL SELECTION FOODS
WELFARE BENEFITS PLAN, THE
WHITEWAVE FOODS COMPANY AND
THE WHITEWAVE FOODS COMPANY
HEALTH & WELFARE PLAN TO
RESPOND TO THE COMPLAINT, AND
TO EXTEND ADR DEADLINES**

Trial Date: None Set

1 Pursuant to Civil Local Rule 6-2(a), Defendants EARTHBOUND FARM, LLC,
2 NATURAL SELECTION FOODS WELFARE BENEFITS PLAN, THE WHITEWAVE FOODS
3 COMPANY and THE WHITEWAVE FOODS COMPANY HEALTH & WELFARE PLAN
4 (collectively, “Defendants”) and Plaintiff THC – ORANGE COUNTY, INC., d/b/a KINDRED
5 HOSPITAL SAN FRANCISCO – BAY AREA (“Plaintiff”) hereby stipulate, by and through their
6 respective counsel, to extend the time by which Defendants have to answer or otherwise respond to
7 Plaintiff’s Complaint, and extend the time by which the parties must meet the Court’s ADR
8 Deadlines.

9 WHEREAS, on March 6, 2017, Plaintiff filed the Complaint in this action;

10 WHEREAS, on March 17, 2017, Plaintiff caused the Summons and Complaint to be served
11 on Defendants, thus rendering Defendants’ responses to the Complaint due on or before April 7,
12 2017;

13 WHEREAS, on April 6, 2017, the parties stipulated, pursuant to Civil Local Rule 6-1(a), to
14 extend Defendants’ deadline for answering and or otherwise responding to the Complaint from
15 April 7, 2017 to May 8, 2017;

16 WHEREAS, on April 24, 2017, this case was reassigned to the Honorable Edward W. Chen
17 with an Order vacating all presently scheduled hearing dates, including the Initial Case
18 Management Conference, which was initially set for June 7, 2017 at 1:30 p.m. by the March 7,
19 2017 Order Setting Initial Case Management Conference and ADR Deadlines (Dckt. #16; Dckt.
20 #4.);

21 WHEREAS, the parties stipulate to further extend Defendants’ deadline for answering or
22 otherwise responding to the Complaint from May 8, 2017 to June 7, 2017;

23 WHEREAS, the parties further stipulate to extend the deadline to file an ADR Certification
24 signed by Parties and Counsel, and Stipulation to ADR Process (or Notice of Need for ADR Phone
25 Conference) from May 17, 2017 to June 16, 2017;

26 WHEREAS, these extensions will not alter or interfere with any other court deadlines, as no
27 new date has been set for the Initial Case Management Conference;

1 WHEREAS, good cause exists for the extension because the parties are continuing to
2 engage in informal, good-faith discussions in an effort to resolve this action;

3 NOW, THEREFORE, pursuant to Civil Local Rule 6-2(a), the Parties hereby agree through
4 their undersigned counsel of record, as follows:

5 1. Defendants' deadline for answering or otherwise responding to the Complaint shall
6 be continued from May 8, 2017 to June 7, 2017;

7 2. The deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5 for the filing of
8 the ADR Certification and Stipulation to ADR Process (or Notice of Need for ADR Phone
9 Conference shall be continued from May 17, 2017 to June 16, 2017.

10
11 **IT IS SO STIPULATED.**

12
13 DATED: April 28, 2017

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14
15 By: /s/ Clarissa A. Kang

16 Clarissa A. Kang
17 Attorneys for Defendants
18 EARTHBOUND FARM, LLC,
19 NATURAL SELECTION FOODS
20 WELFARE BENEFITS PLAN, THE
21 WHITEWAVE FOODS COMPANY and
22 THE WHITEWAVE FOODS COMPANY
23 HEALTH & WELFARE PLAN

24
25 DATED: April 28, 2017

FULTZ MADDOX DICKENS, PLC

26
27 By: /s/ Adrienne J. Simon

28
Adrienne J. Simon
Attorneys for Plaintiff
KINDRED HOSPITAL SAN FRANCISCO –
BAY AREA

1 *Filer's Attestation: Pursuant to Local Rule 5-1(i)(3), I hereby attest that all other signatories*
2 *listed, and on whose behalf the filing is submitted, concur in the filing's content and have*
3 *authorized the filing.*

4
5 DATED: April 28, 2017

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6 By: /s/ Clarissa A. Kang

Clarissa A. Kang

Attorneys for Defendants

THE WHITEWAVE FOODS COMPANY and

THE WHITEWAVE FOODS COMPANY

HEALTH & WELFARE PLAN

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8
9
10 **[PROPOSED] ORDER**

11 Having considered the parties' Stipulation to Further Extend Time To Respond to
12 Complaint, and Other ADR Deadlines, and good cause appearing therefore, IT IS HEREBY
13 ORDERED THAT:

14 1. Defendants' deadline for answering or otherwise responding to the Complaint shall
15 be continued from May 8, 2017 to June 7, 2017;

16 2. The deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5 for the filing of
17 the ADR Certification and Stipulation to ADR Process (or Notice of Need for ADR Phone
18 Conference shall be continued from May 17, 2017 to June 16, 2017.

19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21
22
23 DATED: 4/28, 2017

