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15 *Attorneys for Plaintiff*
 16 JOHN DOE

17 **UNITED STATES DISTRICT COURT**
 18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 JOHN DOE, Individually and On Behalf of
 21 All Others Similarly Situated,

22 Plaintiffs,

23 vs.

24 AETNA INC.; AETNA HEALTH AND
 LIFE INSURANCE COMPANY; AETNA
 25 INSURANCE COMPANY OF
 CONNECTICUT; and AETNA HEALTH
 26 OF CALIFORNIA INC.,

27 Defendants.

CASE NO. 3:17-cv-05191-RS

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO TRANSFER CASE TO EASTERN
 DISTRICT OF PENNSYLVANIA PURSUANT
 TO 28 U.S.C. 1404(a)**

Judge: Hon. Richard Seeborg

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiff John Doe (“Plaintiff”) and Defendants Aetna Inc., Aetna Health and Life
3 Insurance Company, Aetna Insurance Company of Connecticut, and Aetna Health of California
4 Inc. (together, “Aetna”) hereby stipulate as follows pursuant to Local Rule 7-12:

5 WHEREAS, on August 28, 2017, a putative class action titled *Andrew Beckett, et al. v.*
6 *Aetna, Inc., et al.*, was filed in the United States District Court for the Eastern District of
7 Pennsylvania (“EDPA”), No. 2:17-cv-03864-JS (“*Beckett*”). In *Beckett*, two AIDS/HIV legal
8 services organizations and a private law firm filed a putative class action on behalf of a plaintiff
9 (under the pseudonym “Andrew Beckett”) alleging various state statutory and other claims arising
10 from the alleged inadvertent disclosure by Defendant Aetna Inc. and certain other defendants of
11 certain members’ use of HIV-prevention and/or HIV medication through a windowed envelope.
12 *Beckett* appears to be the first-filed case in the nation making these allegations;

13 WHEREAS, also on August 28, 2017, a second putative class action entitled *S.A. v. Aetna*
14 *Inc., et al.*, No. 2:17-cv-07264-JS (E.D. Pa., filed Aug. 28, 2017) (“*S.A.*”) was filed in Los
15 Angeles Superior Court, involving substantially similar parties, the same legal and factual issues,
16 and subsequently removed to the United States District Court for the Central District of California
17 on October 3, 2017 and transferred by stipulation to the EDPA on October 4, 2017;

18 WHEREAS, this Action was initially filed on September 7, 2017 and served on Aetna
19 under September 20, 2017;

20 WHEREAS, on October 10, 2017, a third putative class action entitled *R.H., et al. v.*
21 *Aetna Health, Inc., et al.*, No. 3:17-cv-04566-MMB (E.D. Pa, filed Oct. 10, 2017) (“*R.H.*”);

22 WHEREAS, the Parties agree that the parties and legal and factual issue in all four cases
23 are substantially related and/or overlapping;

24 WHEREAS, the Parties understand and agree that the principal factors that courts evaluate
25 in a 28 U.S.C. 1404(a) analysis – *i.e.*, convenience of the parties and the interests of justice –
26 strongly favor transfer to the EDPA in order to preserve judicial economy and streamline the
27 litigation;

28 WHEREAS, the Parties agree that Plaintiff Doe and any California putative class member

1 may have their deposition taken at a mutually convenient location in California;

2 WHEREAS, Defendants agree that Plaintiff Doe may continue to proceed anonymously
3 as “John Doe” in this litigation pursuant to this Court’s September 18, 2017 Order and will not
4 challenge Plaintiff Doe’s request to proceed anonymously as “John Doe” in any other forum;

5 WHEREAS, Defendants, for purposes of this lawsuit only, stipulate and agree to waive
6 any arguments regarding personal jurisdiction and venue in the EDPA so that there are no
7 objections to the EDPA presiding over all matters relating to this lawsuit; and

8 WHEREAS, in light of the foregoing, the Parties understand and agree that good cause
9 exists for a transfer of this matter by this Court to the EDPA pursuant to 28 U.S.C. 1404(a), and
10 have consented to the transfer of this action to the EDPA.

11 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and
12 Aetna, that

13 1. The Parties consent to jurisdiction of the above-captioned Action in the United
14 States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1404(a); and

15 2. The Parties thereby jointly request the Court for an order transferring this Action
16 transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to
17 28 U.S.C. § 1404(a).

18 **IT IS SO STIPULATED.**

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1 Dated: November 3, 2017

*Pursuant to L.R. 5-1(i)(3), I attest that
concurrence in the filing of this document has
been obtained from each of the other signatories.*

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3 MANATT, PHELPS & PHILLIPS, LLP

4
5 By: /s/ Matthew P. Kanny
6 Matthew P. Kanny
7 Donna L. Wilson
8 *Attorney for Defendants*
9 AETNA INC.; AETNA HEALTH AND
LIFE INSURANCE COMPANY; AETNA
INSURANCE COMPANY OF
CONNECTICUT; and AETNA HEALTH
OF CALIFORNIA INC.

10 Dated: November 3, 2017

KAPLAN FOX & KILSHEIMER LLP

11
12 By: /s/ Matthew B. George
13 Laurence D. King
14 Linda M. Fong
15 Matthew B. George
16 Mario M. Choi
17 *Attorneys for Plaintiff*
18 JOHN DOE

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

20 Dated: 11/6/17

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22 _____
23 Hon. Richard Seeborg
24 UNITED STATES DISTRICT COURT JUDGE