

1 EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 2 KARIN S. SCHWARTZ  
 Supervising Deputy Attorney General  
 3 MICHAEL A. ZWIBELMAN, State Bar No. 224783  
 Deputy Attorney General  
 4 455 Golden Gate Avenue, Suite 11000  
 San Francisco, California 94102-7004  
 5 Telephone: (415) 703-5841  
 Facsimile: (415) 703-5480  
 6 Email: Michael.Zwibelman@doj.ca.gov

7 Attorneys for Plaintiff  
 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
 8  
*Defense Counsel Listed on Signature Page*  
 9

10 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 CALIFORNIA DEPARTMENT OF  
 13 SOCIAL SERVICES,  
 14 Plaintiff,  
 15 v.  
 16 UNITED STATES DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES, ET AL.  
 17 Defendants.  
 18  
 19

Case No. 4:09-cv-00213-SBA  
 The Honorable Sandra B. Armstrong  
**STIPULATION AND ~~PROPOSED~~  
 ORDER RESCHEDULING  
 CASE MANAGEMENT  
 CONFERENCE AND HEARING  
 ON DEFENDANTS' MOTION  
 TO DISMISS**

20  
 21 Pursuant to Rules 6-1(b) and 6-2 of the Local Rules of Practice in Civil Proceedings  
 22 before the United States District Court for the Northern District of California (Civil L.R.), the  
 23 parties, through their respective counsel, stipulate and agree as follows:

24 **RECITALS**

25 1. Plaintiff filed the above-captioned action on January 16, 2009 (Docket No. 1), and  
 26 defendants timely filed a motion to dismiss on March 17, 2009 (Docket No. 13). By order of the  
 27 court, defendant's motion is scheduled for hearing on April 28, 2009 (Docket No. 16).  
 28

1           2.       A case management conference is currently scheduled for April 22, 2009 (Docket  
2 No. 5).

3           3.       To accommodate the professional and personal commitments of plaintiff's  
4 counsel, the parties agree that, with the court's permission, the April 22 case management  
5 conference and the April 28 hearing on defendants' motion to dismiss shall be rescheduled as  
6 follows:

7                   A.       Plaintiff's opposition to defendants' motion to dismiss shall be filed on or  
8 before May 5, 2009.

9                   B.       The parties shall submit a joint case management statement on or before  
10 May 8, 2009. The parties also shall file and serve ADR Certifications pursuant to Civil L.R.  
11 16-8(b) on or before May 8, 2009.

12                   C.       Defendants' optional reply brief in further support of their motion to  
13 dismiss shall be filed on or before May 12, 2009.

14                   D.       The court shall hear oral argument on defendants' motion to dismiss on  
15 May 19, 2009, at 1:00 p.m.

16                   E.       The case management conference also shall be conducted on May 19,  
17 2009, at 1:00 p.m.

18           4.       The parties have reviewed Civil L.R. 16-2, 16-3, 16-8, and the handbook entitled  
19 "Dispute Resolution Procedures in the Northern District of California." The parties also have met  
20 and conferred telephonically to discuss whether alternative dispute resolution is appropriate for  
21 this case. Because the parties agree that ADR would not assist them in resolving the case, the  
22 parties further agree, with the court's permission, that they need not file a Stipulation and  
23 Proposed Order Selecting ADR Process or a Notice of Need for ADR Phone Conference, as  
24 required by Civil L.R. 16-8(c).

25           5.       Pursuant to Civil L.R. 6-2(a), undersigned counsel for the plaintiff has filed a  
26 declaration in support of this stipulation. Defendants' counsel does not object to the statements  
27 contained in the declaration.  
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

**STIPULATION**

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that, with the court’s permission, the April 22, 2009 case management conference and the April 28, 2009 hearing on defendants’ motion to dismiss shall be taken off calendar and rescheduled as follows:

- Plaintiff’s opposition to defendants’ motion to dismiss shall be filed on or before May 5, 2009.
- The parties shall submit a joint case management statement on or before May 8, 2009. The parties also shall file and serve ADR Certifications pursuant to Civil L.R. 16-8(b) on or before May 8, 2009.
- Defendants’ optional reply brief in further support of their motion to dismiss shall be filed on or before May 12, 2009.
- The court shall hear oral argument on defendants’ motion to dismiss on May 19, 2009, at 1:00 p.m.
- The case management conference also shall be conducted on May 19, 2009, at 1:00 p.m.

IT IS FURTHER AGREED that, with the court’s permission, the parties need not file a Stipulation and Proposed Order Selecting ADR Process or a Notice of Need for ADR Phone Conference, as required by Civil L.R. 16-8(c).

IT IS SO STIPULATED AND AGREED.

Dated: March 26, 2009

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL

EDMUND G. BROWN JR.  
Attorney General of the State of California

KARIN S. SCHWARTZ  
Supervising Deputy Attorney General

By:           /s/ Michael A. Zwibelman            
MICHAEL A. ZWIBELMAN  
Deputy Attorney General

Attorneys for Plaintiff California Department of  
Social Services

1 Dated: March 26, 2009

UNITED STATES DEPARTMENT OF JUSTICE

2 MICHAEL F. HERTZ  
3 Acting Assistant Attorney General

4 SHEILA M. LIEBER  
5 Deputy Branch Director


6 By:  /s/ Stephen J. Buckingham  
7 STEPHEN J. BUCKINGHAM  
8 Trial Attorney  
9 United States Department of Justice  
10 Civil Division, Federal Programs Branch  
11 20 Massachusetts Avenue, N.W.  
12 Washington, DC 20530  
13 (202) 514-3330  
14 (202) 616-8470 FAX  
15 Stephen.Buckingham@usdoj.gov

16 Attorneys for Defendants United States Department of  
17 Health and Human Services, et al.

18 *Pursuant to paragraph X.B of General Order No. 45 of this court, the filer of this*  
19 *document attests that concurrence in the filing of this document was obtained from counsel for*  
20 *defendants on March 26, 2009.*

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated:  3/30 \_\_\_\_\_, 2009

23   
24 \_\_\_\_\_  
25 The Honorable Sandra B. Armstrong  
26 UNITED STATES DISTRICT JUDGE