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 2 BONNIE A. MILUSO (Cal Bar. No. 237150)
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6 Attorneys for Defendant Kaiser Foundation
 Health Plan, Inc.

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 ISLAND VIEW RESIDENTIAL TREATMENT)	Case No. 3:09-cv-03921-BZ
11 CENTER, et al.)	
12 Plaintiffs,)	STIPULATED MOTION AND ORDER
13 v.)	EXTENDING DATE FOR RESPONSIVE
14 KAISER PERMANENTE, et al.)	PLEADING; DECLARATION OF
15)	BONNIE A. MILUSO
16 Defendant.)	

17
 18 WHEREAS defendant Kaiser Foundation Health Plan, Inc.'s answer to plaintiffs Anna
 19 L., Thomas L. and Andrew L.'s complaint was due on or about September 14, 2009; and

20 WHEREAS due to an inadvertent error defendant failed to serve its answer to the court
 21 within the 20 days after being served in accordance with Federal Rule of Civil Procedure
 22 12(a)(1)(A)(i);

23 THE PARTIES HEREBY STIPULATE to an entry of an Order, in accordance with
 24 Federal Rule of Civil Procedure 6(b)(1)(B) that defendant's response to plaintiffs' complaint
 25 shall be extended to September 21, 2009.

26 THE PARTIES RESPECTFULLY REQUEST this Court enter an Order that defendant's

27
 28 _____
 STIPULATED MOTION AND [PROPOSED] ORDER EXTENDING
 DATE FOR RESPONSIVE PLEADING

CASE 09-03921 BZ

1 response to plaintiffs' complaint shall be extended to September 21, 2009.

2
3 Respectfully submitted,

4
5 Dated: September 25, 2009

MARION'S INN
THOMAS M. FREEMAN
BONNIE A. MILUSO

6
7
8 By: _____

9 Bonnie A. Miluso

10 Attorneys for defendant Kaiser Foundation Health
11 Plan, Inc.

12 DATED: September 25, 2009

BRIAN S. KING, ATTORNEY AT LAW
BRIAN S. KING

13
14
15 By: _____

16 Brian S. King

17 Attorney for plaintiffs Anna L., Thomas L. and
18 Andrew L.

1 **DECLARATION OF BONNIE A. MILUSO**

2 I, Bonnie A. Miluso, declare:

3 1. I am an attorney licensed to practice before the courts of the State of
4 California, and am member of the law firm of Marion’s Inn, counsel for defendant Kaiser
5 Foundation Health Plan, Inc. (“Health Plan”) in the above-entitled action. I have personal
6 knowledge of, and if called as a witness will testify to, the facts contained in this declaration.

7 2. On or about August 8, 2009, the Honorable Clark Waddoups, United
8 States District Court, District of Utah, granted defendant’s motion to change to venue.

9 3. On or about August 21, 2009, the Honorable Clark Waddoups signed an
10 Order Transferring Case to the United States District Court, Northern District of California.

11 2. On or about August 25, 2009, plaintiffs’ complaint in the above-entitled
12 action was officially filed in the United States District Court, Northern District of California.

13 3. Defendant’s answer to plaintiff’s complaint was due on September 14,
14 2009.

15 4. Defendant, due to an inadvertent calendaring error, failed to serve its
16 responsive papers in accordance with Federal Rules of Civil Procedure 12(a)(1)(A)(i) by
17 September 14, 2009.

18 5. On or about September 17, 2009, I contacted plaintiff’s attorney Brian S.
19 King to see if plaintiffs would agree to sign a stipulation extending time for defendant to file a
20 response to the Complaint.. Mr. King agreed to sign the stipulation.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23
24 Dated: September 25, 2009

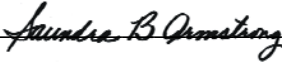
25 _____
Bonnie A. Miluso

O R D E R

Based on the Stipulated Motion of the parties, good cause appearing, and pursuant to Federal Rule of Civil Procedure 6(b)(1)(B);

IT IS HEREBY ORDERED that the due date for defendant’s responsive pleading is extended to September 21, 2009.

Dated: 9/24/09


United States District Judge