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6 Attorneys for Defendants,  
7 KAISER PERMANENTE INTERNATIONAL,  
8 KAISER FOUNDATION HOSPITALS,  
9 KAISER FOUNDATION HEALTH PLAN, INC.,  
and THE PERMANENTE MEDICAL GROUP, INC.

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 MONICA M. SAENZ, on behalf of herself  
13 and all others similarly situated,

14 Plaintiff,

15 vs.

16 KAISER PERMANENTE  
INTERNATIONAL, KAISER  
17 FOUNDATION HOSPITALS, KAISER  
FOUNDATION HEALTH PLAN, INC., THE  
18 PERMANENTE MEDICAL GROUP, INC.,  
SERVICE EMPLOYEES  
19 INTERNATIONAL UNION (SEIU), an  
unincorporated association, SEIU UNITED  
20 HEALTHCARE WORKERS-WEST, an  
unincorporated association, and DOES 1 to  
21 100, inclusive,

22 Defendants.

Case No.: 4:09-cv-05562-PJH

CLASS ACTION

**STIPULATED REQUEST TO CHANGE  
TIME TO ALLOW KAISER  
DEFENDANTS AN EXTENSION OF  
TIME TO RESPOND TO THE  
COMPLAINT**

**DECLARATION OF STEVEN J.  
BORANIAN**

**[PROPOSED] ORDER**

1 Plaintiff Monica M. Saenz (“Plaintiff”) and Defendants Kaiser Permanente International,  
2 Kaiser Foundation Hospitals, Kaiser Foundation Health Plan, Inc., and The Permanente Medical  
3 Group, Inc. (the “Kaiser Defendants”)(collectively, the “Stipulating Parties”) hereby (1) stipulate  
4 to extend the time for the Kaiser Defendants to file an Answer or other responsive pleading to  
5 January 4, 2010, and (2) stipulate that if the Kaiser Defendants file a Motion *in lieu* of Answer, the  
6 hearing on such Motion be noticed for hearing calendared no earlier than February 22, 2010. In  
7 support of this stipulation, the Stipulating Parties state:

9 1. This action originated in the Superior Court of California, County of Alameda.

10 2. Defendant Kaiser Permanente International (“KPI”) was served with a summons  
11 and Complaint in this action on October 26, 2009. This initial Complaint did not name any of the  
12 other Kaiser Defendants.

13 3. Subsequently, Plaintiff desired to amend her Complaint to add the other Kaiser  
14 Defendants as defendants.

15 4. Without waiver of any defenses, the other Kaiser Defendants agreed via counsel to  
16 accept service of a First Amended Complaint and summons as to all Kaiser Defendants.

17 5. Counsel for Plaintiff filed a copy of the First Amended Complaint and summons on  
18 November 19, 2009. This First Amended Complaint added the other Kaiser Defendants as  
19 Defendants.

20 6. Counsel for Plaintiff mailed a copy of the First Amended Complaint and summons  
21 to counsel for the Kaiser Defendants on that same day.

22 7. On November 23, 2009, a Notice of Removal was filed with this Court by the  
23 Kaiser Defendants and co-Defendant Service Employees International Union (“SEIU”). Co-  
24 Defendant SEIU United Healthcare Workers – West (“UHW”)(collectively, “the Union  
25 Defendants”) joined in that removal.  
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1           8.     On November 25, 2009, counsel for the Kaiser Defendants signed  
2 Acknowledgements of Service with respect to the First Amended Complaint and summons. This  
3 completed service of the First Amended Complaint.

4           9.     Absent stipulation, KPI's time to Answer or otherwise respond would expire on  
5 December 1, 2009, five days following removal of this action.

6           10.    Absent stipulation, the other Kaiser Defendants' time to Answer or otherwise  
7 respond would expire December 15, 2009, twenty-one days following the completion of service.

8           11.    This action is a putative class action, alleging multiple counts against both the  
9 Kaiser Defendants and the Union Defendants. While in Alameda County, Plaintiffs had moved  
10 for transfer to the Complex Civil Litigation Division, a motion which no Defendant opposed.

11           12.    In light of the issues involved, the Stipulating Parties agree, pursuant to Local Rule  
12 6-1(a), to extend the time of the Kaiser Defendants to Answer or otherwise respond until January  
13 4, 2010.

14           13.    The Stipulating Parties further stipulate, pursuant to Local Rule 6-1(b), that if the  
15 Kaiser Defendants respond to the complaint with a motion, any such responsive motion filed by  
16 the Kaiser Defendants will be noticed for hearing no earlier than February <sup>24</sup>~~22~~, 2010.

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**IT IS SO STIPULATED.**

DATED: November 30, 2009.

DATED: November 30, 2009.

MILSTEIN, ADELMAN & KREGER, LLP

REED SMITH LLP

By: /s/ Sara D. Avila  
Wayne S. Kreger  
Sara D. Avila  
Attorneys for Plaintiff Monica M. Saenz

By: /s/ Steven J. Boranian  
Steven J. Boranian  
Alison B. Riddell  
Attorneys for Defendants Kaiser Permanente  
International, Kaiser Foundation Hospitals,  
Kaiser Foundation Health Plan, Inc., and The  
Permanente Medical Group, Inc.

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**DECLARATION OF STEVEN J. BORANIAN**

1. I am an attorney in the law firm of Reed Smith, LLP, attorneys of record for Kaiser Permanente International, Kaiser Foundation Hospitals, Kaiser Foundation Health Plan, Inc., and The Permanente Medical Group, Inc. (the “Kaiser Defendants”).

2. The Kaiser Defendants request this extension of time to have sufficient time to prepare an appropriate and adequate response to the First Amended Complaint.

3. There have been no previous time modifications in this case.

4. The requested time modification will extend the Kaiser Defendants’ time to Answer or otherwise respond to the First Amended Complaint to January 4, 2010. It will further provide that the hearing on any such Motion will be noticed for hearing no earlier than February 22, 2010. The requested extension will not otherwise affect the scheduling of this case.

5. The remaining defendants in this action, Service Employees International Union and SEIU United Healthcare Workers – West, do not oppose this modification of time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: November 30, 2009

By: /s/ Steven J. Boranian  
Steven J. Boranian

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**ORDER**

PURSUANT TO STIPULATION,

1. Plaintiff agrees to extend the time for the Kaiser Defendants to Answer or otherwise respond to Plaintiff's First Amended Complaint until January 4, 2010.

2. The Stipulating Parties further agree that any such responsive motion filed by the Kaiser Defendants will be noticed for a hearing calendared no earlier than February <sup>24</sup>~~22~~, 2010.

**IT IS SO ORDERED.**

**DATED:** 12/4/09

