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10 Attorney for Defendant  
 THE PERMANENTE MEDICAL GROUP

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 13 Petaluma, CA 94952  
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 14 Fax: 707-775-3098  
 Attorney for Plaintiff  
 15 ELLIOT EISENBERG

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 ELLIOT EISENBERG,	)	Case No. CV 10-3208 PJH
	)	
19 Plaintiff,	)	<b>JOINT STIPULATION AND</b>
	)	<b>[PROPOSED] ORDER REGARDING</b>
20 v.	)	<b>EXTENSION OF DATES FOR EXPERT</b>
21 THE PERMANENTE MEDICAL GROUP;	)	<b>DISCLOSURES AND EXPERT</b>
22 KAISER FOUNDATION HEALTH PLAN,	)	<b>DISCOVERY</b>
22 INC.; KAISER FOUNDATION HOSPITALS;	)	
22 DOES 1-10, inclusive,	)	
	)	Trial Date: February 27, 2012
23 Defendants.	)	
	)	

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1 Pursuant to Northern District Local Rules 6-1(b) and 6-2, Plaintiff Dr. Elliot Eisenberg  
2 and Defendants The Permanente Medical Group, Kaiser Foundation Health Plan, Inc. and Kaiser  
3 Foundation Hospitals, by and through their attorneys of record, have met and conferred  
4 regarding an extension of the date for expert disclosures and expert discovery .

5 Good cause exists for the extensions set forth below for the following reasons:

6 1. The Court previously continued the date for the hearing on Defendants' summary  
7 judgment motions from October 12, 2011 to December 14, 2011 pursuant to stipulation of the  
8 parties at the request of Plaintiff's counsel. As a result, a ruling on the summary judgment  
9 motions is not anticipated until December 14, 2011 at the earliest.

10 2. Any expert selections and disclosures will necessarily depend on which claims, if  
11 any, remain after the Court's ruling on the summary judgment motion. Without this  
12 continuance, the parties risk expending significant time, effort, and cost in identifying and  
13 retaining experts that are ultimately unnecessary for trial in advance of the disclosure date.

14 3. The proposed changes to the discovery and dispositive motion plan do not alter  
15 the February 27, 2011 trial date. The parties agree that these changes will not be raised as a basis  
16 for any subsequent request for a trial continuance.

17 IT IS HEREBY STIPULATED BY THE PARTIES that the following changes shall be  
18 made to the discovery deadline dates:

- 19 1. Expert Witness Disclosures: December 30, 2011  
20 2. Deposition of Experts: February 10, 2012

21 The above changes to the parties' discovery plan do not alter the February 27, 2012 trial  
22 date and the parties agree that these changes will not be raised as a basis for any subsequent  
23 request for a trial continuance.  
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1 DATED: October 18, 2011

SEYFARTH SHAW LLP

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By /s/ Cody D. Knight

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Kari Erickson Levine

Cody D. Knight

Attorneys for Defendants

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KAISER FOUNDATION HEALTH PLAN, INC.

and KAISER FOUNDATION HOSPITALS

6

7 DATED: October 18, 2011

BINGHAM MCCUTCHEN

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By \_\_\_\_\_

Attorneys for Defendant

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THE PERMANENTE MEDICAL GROUP

11 DATED: October 18, 2011

LAW OFFICE OF WILLIAM J. ROGERS, ESQ.

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By \_\_\_\_\_

William J. Rogers, Esq.

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Attorney for Plaintiff

DR. ELLIOT EISENBERG

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**DECLARATION OF CODY D. KNIGHT IN SUPPORT OF STIPULATION TO  
CONTINUE EXPERT DISCOVERY & DISCLOSURE DATES**

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I, Cody D. Knight, declare:

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1. I am an attorney at law licensed to practice in the State of California, and I am a managing associate with the law firm Seyfarth Shaw LLP, counsel for KFH and KFHP. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would testify to the facts set forth herein.

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2. No previous continuance of the expert witness disclosure or expert witness cutoff dates in this case have been requested. At request of Plaintiff's counsel, the parties previously stipulated, and the Court ordered, a continuance of the opposition and reply briefing schedule and the hearing date on Defendants' motions for summary judgment from October 12, 2011 to

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1 DATED: October 18, 2011

SEYFARTH SHAW LLP

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By \_\_\_\_\_

Kari Erickson Levine

Cody D. Knight

Attorneys for Defendants

KAISER FOUNDATION HEALTH PLAN, INC.  
and KAISER FOUNDATION HOSPITALS

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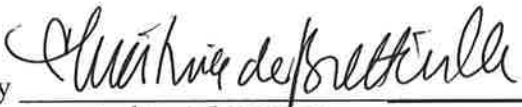
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7 DATED: October 18, 2011

BINGHAM MCCUTCHEN

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9

By  \_\_\_\_\_

Wendy M. Lazerson

Christine de Bretteville

Attorneys for Defendant

THE PERMANENTE MEDICAL GROUP

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11

12 DATED: October 18, 2011

LAW OFFICE OF WILLIAM J. ROGERS, ESQ.

13

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By \_\_\_\_\_

William J. Rogers, Esq.

Attorney for Plaintiff

DR. ELLIOT EISENBERG

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**DECLARATION OF CODY D. KNIGHT IN SUPPORT OF STIPULATION TO  
CONTINUE EXPERT DISCOVERY & DISCLOSURE DATES**

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I, Cody D. Knight, declare:

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1. I am an attorney at law licensed to practice in the State of California, and I am a managing associate with the law firm Seyfarth Shaw LLP, counsel for KFH and KFHP. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would testify to the facts set forth herein.

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23

24

25

2. No previous continuance of the expert witness disclosure or expert witness cutoff dates in this case have been requested. At request of Plaintiff's counsel, the parties previously stipulated, and the Court ordered, a continuance of the opposition and reply briefing schedule

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1 DATED: October 18, 2011

SEYFARTH SHAW LLP

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By \_\_\_\_\_

Kari Erickson Levine

Cody D. Knight

Attorneys for Defendants

KAISER FOUNDATION HEALTH PLAN, INC.

and KAISER FOUNDATION HOSPITALS

6

7 DATED: October 18, 2011

BINGHAM MCCUTCHEN

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By \_\_\_\_\_

Attorneys for Defendant

THE PERMANENTE MEDICAL GROUP

10

11 DATED: October 18, 2011

LAW OFFICE OF WILLIAM J. ROGERS, ESQ.

12

13

By  \_\_\_\_\_

William J. Rogers, Esq.

Attorney for Plaintiff

DR. ELLIOT EISENBERG

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16

17 **DECLARATION OF CODY D. KNIGHT IN SUPPORT OF STIPULATION TO**  
18 **CONTINUE EXPERT DISCOVERY & DISCLOSURE DATES**

19 I, Cody D. Knight, declare:

20 1. I am an attorney at law licensed to practice in the State of California, and I am a  
21 managing associate with the law firm Seyfarth Shaw LLP, counsel for KFH and KFHP. I make  
22 this declaration based on my own personal knowledge, and if called as a witness, I could and  
23 would testify to the facts set forth herein.

24 2. No previous continuance of the expert witness disclosure or expert witness cutoff  
25 dates in this case have been requested. At request of Plaintiff's counsel, the parties previously  
26 stipulated, and the Court ordered, a continuance of the opposition and reply briefing schedule  
27 and the hearing date on Defendants' motions for summary judgment from October 12, 2011 to  
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1 December 14, 2011.

2 3. As a result of the continuance of the summary judgment hearing date, a ruling on  
3 the summary judgment motions is not anticipated until December 14, 2011 at the earliest. Any  
4 expert selections and disclosures will necessarily depend on which claims, if any, remain after  
5 the Court's ruling on the summary judgment motion. Without this continuance, the parties risk  
6 expending significant time, effort, and cost in identifying and retaining experts that are  
7 ultimately unnecessary for trial in advance of the disclosure date.

8 4. The granting of this requested continuance of the expert disclosure and discovery  
9 deadlines is not anticipated to have any other effect on the overall scheduling of the case. The  
10 trial date can be maintained for February 27, 2012 as currently scheduled.

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

13 Executed on October 18, 2011 at San Francisco, California.

14 /s/ Cody D. Knight

15 Cody D. Knight

16 **[PROPOSED] ORDER**

17 The Stipulation of the parties adopting changes to the expert disclosure cutoff and expert  
18 deposition cutoff is hereby accepted by the Court and the parties are ordered to comply with this  
19 Order.

20 **IT IS SO ORDERED.**

21  
22 DATED: 10/25/11

23 Honorable  
24 United States

