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11 Attorneys for Defendants  
 ST. HELENA HOSPITAL and  
 12 ADVENTIST HEALTHCARE/WEST

13  
 14 UNITED STATES DISTRICT COURT  
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 TRACY ROUSSEAU and STAN  
 17 ROUSSEAU

Case No. 4:17-cv-02985 HSG

Civil Rights

18 Plaintiffs,

**STIPULATION AND ORDER TO  
 EXTEND TIME UNDER F.R.C.P. RULE  
 12(F)**

19 v.

Action Filed: May 24, 2017

20 ST. HELENA HOSPITAL; AND  
 21 ADVENTIST HEALTHCARE/WEST,

22 Defendants.

23  
 24 **STIPULATION**

25 By and through their attorneys of record, Plaintiffs TRACY ROUSSEAU and STAN  
 26 ROUSSEAU ("Plaintiffs") and Defendants ST. HELENA HOSPITAL and ADVENTIST  
 27 HEALTHCARE/WEST ("Defendants") hereby stipulate and agree as follows:  
 28

STIPULATION AND ~~PROPOSED~~ ORDER  
 TO EXTEND TIME UNDER FRCP RULE 12(F)  
 CASE NO. 4:17-cv-02985 HSG

1 WHEREAS, this case has been assigned for early disclosures and mediation under  
2 General Order 56;

3 WHEREAS, Defendants filed their Answer in this matter on June 30, 2017;

4 WHEREAS, Plaintiffs' deadline for filing a motion under Federal Rule of Civil  
5 Procedure ("FRCP") Rule 12(f) to strike all or part of Defendants' Answer is July 21, 2017;

6 WHEREAS, Plaintiffs and Defendant have met and conferred regarding the alleged  
7 deficiencies raised by Defendant's Answer and Affirmative Defenses;

8 WHEREAS, Plaintiffs and Defendant wish to avoid the time and expense of briefing an  
9 FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

10 IT IS HEREBY STIPULATED by and among Plaintiffs and Defendants that:

- 11 1. If the case does not settle at mediation under General Order 56, Plaintiffs retains the right  
12 to file a motion under FRCP 12(f) as follows:
- 13 a. the parties shall meet and confer about amending the Answer within 7 days after  
14 the mediation has been certified as completed;
  - 15 b. that Defendants shall thereafter be allowed an opportunity to voluntarily amend  
16 their Answer prior to Plaintiffs filing any Rule 12(f) motion;
  - 17 c. Any amended answer by Defendants shall be filed no later than 21 days after the  
18 mediation has been certified and completed; and
  - 19 d. Plaintiffs may thereafter file their 12(f) Motion no later than 42 days from the  
20 time mediation is certified as completed.

21 IT IS SO STIPULATED.

22  
23 Dated: July 12, 2017

DERBY, McGUINNESS & GOLDSMITH, LLP

24  
25 /s/ Celia McGuinness  
26 By: CELIA McGUINNESS, ESQ.  
27 Attorneys for Plaintiffs  
28 TRACY ROUSSEAU and STAN ROUSSEAU

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Dated: July \_\_, 2017

POLLARA LAW GROUP

/s/ Dominique A. Pollara  
By: DOMINIQUE A. POLLARA, ESQ.  
Attorneys for Defendants  
ST. HELENA HOSPITAL and  
ADVENTIST HEALTHCARE/WEST


1 **ORDER**

2 Pursuant to the stipulation of the parties, and for good cause shown, it is hereby  
3 ORDERED that:

4  
5 The parties shall meet and confer within 7 days after the mediator certifies that mediation  
6 under General Order 56 has been completed. Defendants shall thereafter be allowed an  
7 opportunity to voluntarily amend their answer prior to plaintiff filing any FRCP 12(f) motion.  
8 Any amended answer shall be filed no later than 21 days after the mediation has been certified and  
9 completed. Plaintiff may thereafter file his motion no later than 42 days from the date mediation  
10 is certified and completed.  
11  
12

13 **IT IS SO ORDERED.**

14  
15 Dated: July 13, 2017

  
Honorable Haywood S. Gilliam, Jr.  
United States District Court Judge

1 **FILER'S ATTESTATION**

2 Pursuant to Civil Local Rule 5-1, I hereby attest that on July 11, 2017, I, Celia  
3 McGuinness, attorney with Derby, McGuinness & Goldsmith, LLP, received the concurrence of  
4 Dominique Pollara in the filing of this document.

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6 /s/ Celia McGuinness  
Celia McGuinness  
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