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20 ST. HELENA HOSPITAL and
21 ADVENTIST HEALTHCARE/WEST

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRACY ROUSSEAU and STAN
ROUSSEAU

Case No. 4:17-cv-02985 HSG

Civil Rights

Plaintiffs,
v.
ST. HELENA HOSPITAL; AND
ADVENTIST HEALTHCARE/WEST,
Defendants.

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

Action Filed: May 24, 2017

STIPULATION

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

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

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

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

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

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

WHEREAS, Plaintiffs and Defendant wish to avoid the time and expense of briefing an 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:

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.

23 | Dated: July 12, 2017

DERBY, McGUINNESS & GOLDSMITH, LLP

/s/ Celia McGuinness
By: CELIA MCGUINNESS, ESQ.
Attorneys for Plaintiffs
TRACY ROUSSEAU and STAN R.

1 Dated: July __, 2017

POLLARA LAW GROUP

3 /s/ Dominique A. Pollara

4 By: DOMINIQUE A. POLLARA, ESQ.
5 Attorneys for Defendants
6 ST. HELENA HOSPITAL and
7 ADVENTIST HEALTHCARE/WEST

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ORDER

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

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.

13 | IT IS SO ORDERED.

15 | Dated: July 13, 2017

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

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.

/s/ Celia McGuinness
Celia McGuinness