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11 Attorneys for Defendants
 BROOKDALE SENIOR LIVING INC. AND
 12 BROOKDALE SENIOR LIVING COMMUNITIES, INC.

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **OAKLAND DIVISION**

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1 STACIA STINER; HELEN CARLSON,
by and through her Guardian Ad Litem,
2 JOAN CARLSON; LAWRENCE
QUINLAN, by and through his Guardian
3 Ad Litem, LORESIA VALLETTE;
EDWARD BORIS, by and through his
4 Guardian Ad Litem, MICHELE LYTLE;
RALPH SCHMIDT, by and through his
5 Guardian Ad Litem, HEATHER FISHER;
PATRICIA LINDSTROM, as successor-
6 in-interest to the Estate of ARTHUR
LINDSTROM; and BERNIE
7 JESTRABEK-HART; on their own
behalfes and on behalf of others similarly
8 situated,

Plaintiffs,

9 v.

10 BROOKDALE SENIOR LIVING INC.;
BROOKDALE SENIOR LIVING
11 COMMUNITIES, INC.; and DOES 1
through 100,

12 Defendants.
13

Case No. 17-cv-03962-HSG

**STIPULATION AND ORDER RE
BRIEFING SCHEDULE FOR
REQUEST FOR CERTIFICATION
FOR APPEAL**

14 **STIPULATION**

15 WHEREAS, on January 25, 2019, the Court denied Defendants' Motion to Dismiss with
16 regard to the allegations and claims in the Second Amended Complaint based on the Americans
17 with Disabilities Act, ("ADA");

18 WHEREAS, Defendants believe that no court has addressed whether the ADA applies to
19 the type of residential housing provided by Brookdale's assisted living communities, and that
20 substantial ground for difference of opinion exists with respect to whether the ADA applies to;

21 WHEREAS, Defendants believe that resolution of the applicability of the ADA to the
22 allegations and claims being asserted in this litigation will have a significant impact on discovery,
23 class certification, and other issues;

24 WHEREAS, Defendants disclosed their intent to request certification from this Court for
25 an appeal of this narrow issue under 28 U.S.C. § 1292(b) in the parties' January 25, 2019 Joint
26 Case Management Conference Statement (Dkt. No. 87);
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1 WHEREAS, on February 12, 2019, the Court directed the parties to meet and confer and
2 file a stipulation and proposed order regarding a briefing schedule for Defendants' request for
3 certification for appeal (Dkt. No. 89), to consist solely of a Motion by Defendants and an
4 Opposition by Plaintiffs;

5 WHEREAS, Plaintiffs dispute Defendants' contention that the foregoing issue satisfies the
6 applicable legal standard for certification for appeal set forth in 28 U.S.C. § 1292(b) and
7 applicable precedent;

8 WHEREAS, Defendants filed their Motion to Certify for Interlocutory Appeal and Motion
9 to Stay on February 26, 2019;

10 WHEREAS, Plaintiffs require additional time in which to prepare their opposition to
11 Defendants' Motion to Certify for Interlocutory Appeal and Motion to Stay because of their
12 obligations on other cases during the past two weeks;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED that:

- 14 (1) Plaintiffs will file and serve their Opposition by no later than Monday, March 25,
15 2019.

16 Dated: March 11, 2019

17 MATT POWERS
18 JEFFREY A. BARKER
19 ADAM P. KOHSWEENEY
20 MALLORY JENSEN
21 O'MELVENY & MYERS LLP

22 By: /s/ Jeffrey A. Barker

23 Attorneys for Defendants
24 BROOKDALE SENIOR LIVING INC.
25 BROOKDALE SENIOR LIVING
26 COMMUNITIES, INC.

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STEBNER AND ASSOCIATES

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Attorneys for Plaintiffs and the Proposed
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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2019, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Dated: March 12, 2019

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SCHNEIDER WALLACE
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By: /s/ Guy B. Wallace

Attorneys for Plaintiffs and the Proposed
Classes

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2019, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Dated: March 13, 2019

/s/ Guy B. Wallace
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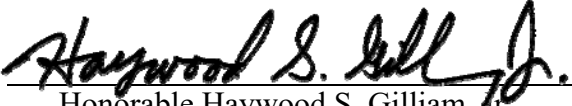
ORDER

The Court, having considered the above Stipulation of Plaintiffs and Defendants and good cause appearing therefor, hereby orders as follows:

- (1) Plaintiffs shall file and serve their Opposition, if any, by no later than Monday, March 25, 2019.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 13, 2019


Honorable Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT JUDGE