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11 Attorneys for Specially Appearing Defendant
 12 HCA INC. erroneously sued herein as HEALTHCARE
 CORPORATION OF AMERICA

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18 Attorneys for Plaintiffs

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 SERVICE EMPLOYEES INTERNATIONAL
 22 UNION, LOCAL 121RN and SERVICE
 EMPLOYEES INTERNATIONAL UNION,
 23 UNITED HEALTHCARE WORKERS-WEST,

24 Plaintiffs,

25 v.

26 HEALTHCARE CORPORATION OF
 AMERICA; AND DOES 1-10,

27 Defendants.
 28

Case No. C 09 05065 JF
 ORDER APPROVING
**STIPULATION REGARDING
 HEARING ON PLAINTIFFS'
 MOTION FOR TEMPORARY
 RESTRAINING ORDER AND FOR
 INJUNCTIVE RELIEF PENDING
 ARBITRATION**

Judge: Hon. Jeremy Fogel

1 **THE PARTIES HERETO, BY AND THROUGH THEIR AUTHORIZED**
2 **COUNSEL OF RECORD, STIPULATE AS FOLLOWS:**

3 (1) No later than **November 2, 2009**, Plaintiffs will file an amended complaint
4 asserting the same claims as in their Complaint for Injunctive Relief Pending Arbitration [Docket
5 #1], on file herein, deleting HCA Inc. as a defendant and instead naming the following hospitals
6 as defendants: Los Robles Regional Medical Center d/b/a/ Los Robles Hospital and Medical
7 Center; Riverside Healthcare System, L.P. d/b/a Riverside Community Hospital; West Hills
8 Hospital d/b/a West Hills Hospital & Medical Center; San Jose Healthcare System, L.P. d/b/a
9 Regional Medical Center of San Jose; and Good Samaritan Hospital L.P. d/b/a Good Samaritan
10 Hospital, each a subsidiary of HCA Health Services of California, Inc. (collectively, the
11 “Individual HCA Hospital Defendants”). Service of these new complaints on the Individual HCA
12 Hospital Defendants will be waived by them, and the Individual HCA Hospital Defendants will
13 have 20 days from November 2, 2009 to serve and file answers or other responsive pleadings.

14 (2) The temporary restraining order application and its supporting papers, on file
15 herein, will be deemed to be a motion for preliminary injunction against each of the Individual
16 HCA Hospital Defendants, without necessity of amendment or re-filing.

17 (3) The Individual HCA Hospital Defendants, and each of them, will not implement
18 the Influenza Vaccination / Surgical Masking policy described in the complaint herein, or any
19 variation thereof, with respect to any employees represented by Plaintiffs for purposes of
20 collective bargaining, any earlier than Monday, November 16, 2009. At the hearing on the
21 application for injunctive relief, the parties shall ask the Court for further guidance with respect to
22 the status quo pending a decision.

23 (4) The Individual HCA Hospital Defendants will file a consolidated opposition to the
24 motion for preliminary injunctive relief no later than Thursday, **November 5, 2009**.

25 (5) Plaintiffs may file reply papers no later than Tuesday, **November 10, 2009**.

1 (6) Plaintiffs' motion for a preliminary injunction will be heard by the Court at **9:00**
2 **a.m.** on Friday, **November 13, 2009.**

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4 Respectfully submitted,

5 /s/Caren P. Spencer _____

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14 UNITED HEALTHCARE WORKERS-WEST

15
16 Respectfully submitted,

17 /s/Robert L. Ford _____

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PROPOSED ORDER

Based on the foregoing stipulations and representations, the scheduling and other provisions stated above are adopted as an order of this Court.

IT IS SO ORDERED.

Dated: October 29, 2009.



Honorable Jeremy Fogel
United States District Judge

122983/549458