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6 Attorneys for Defendant,
 United HealthCare Insurance Company

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 FOREST AMBULATORY SURGICAL
 ASSOCIATES, L.P., doing business as
 12 FOREST SURGERY CENTER,
 Plaintiff,

14 v.

15 UNITED HEALTHCARE INSURANCE
 COMPANY and DOES 1 through 20,
 16 Defendant.

Case No. CV10-04911 JW

**STIPULATION AND
 [PROPOSED] ORDER TO
 FURTHER EXTEND TIME TO
 ANSWER OR OTHERWISE
 RESPOND TO FIRST AMENDED
 COMPLAINT**

(Local Rule 6-1(b))

(Santa Clara Superior
 Court Number: 110CV183843)

Complaint filed: **Sept. 29, 2010**

1 **WHEREAS** Plaintiff Forest Ambulatory Surgical Associates, L.P. filed a Complaint
2 in this action on September 29, 2010 and served it on Defendant United HealthCare Insurance
3 Company on October 1, 2010. Thereafter the parties stipulated to extend Defendant's time to
4 respond to the Complaint until December 17, 2010; and

5 **WHEREAS** Plaintiff filed its First Amended Complaint on December 17, 2010 and,
6 consequently, the deadline for Defendant to answer or otherwise respond to Plaintiff's First
7 Amended Complaint was January 6, 2011;

8 **WHEREAS** Plaintiff's First Amended Complaint includes a new cause of action, and
9 Defendant believes it may have grounds to file a motion to dismiss under FRCP 12(b)(6); and

10 **WHEREAS** Plaintiff and Defendant agreed it was in the best interest of both parties to
11 extend the time for Defendant to answer or otherwise respond to the First Amended
12 Complaint;

13 **WHEREAS** Defendant filed a stipulation to answer or otherwise respond to Plaintiff's
14 First Amended Complaint on January 4, 2011, and the Court graciously granted said
15 extension making Defendant's response due on January 20, 2011;

16 **WHEREAS** due to a family medical emergency as detailed in the Declaration of
17 Larry A. Walraven filed herewith, counsel for Defendant is unable to properly prepare a
18 response to said First Amended Complaint by the January 20, 2011 response date;

19 ///

21 ///

23 ///

25 ///

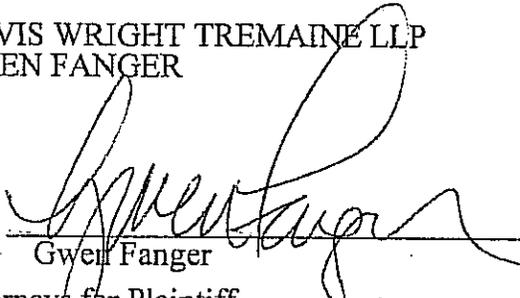
27 ///

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by Plaintiff and Defendant and
2 through their counsel of record herein, that the time for Defendants to answer or otherwise
3 respond to the First Amended Complaint be extended for an additional 21 days until February
4 10, 2011.

5
6
7 IT IS SO STIPULATED.

8 Dated: 1/18/11

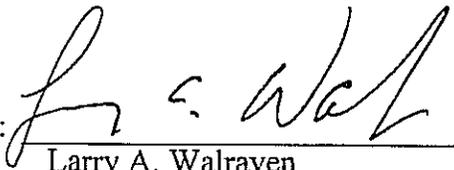
9 DAVIS WRIGHT TREMAINE LLP
GWEN FANGER

10
11 By: 
12 Gwen Fanger

13 Attorneys for Plaintiff,
14 Forest Ambulatory Surgical Associates,
15 L.P.

16 Dated: 1/18/11

17 WALRAVEN & LEHMAN LLP
18 LARRY A. WALRAVEN
19 BRYAN S. WESTERFELD

20 By: 
21 Larry A. Walraven

22 Attorneys for Defendant,
23 United Healthcare Insurance Company

24 PURSUANT TO STIPULATION, IT IS SO ORDERED

25 Dated: January 19, 2011

26 
27 Honorable James Ware
28 United States District Chief Judge

1 **PROOF OF SERVICE**

2 I, Kim Sullivan, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is 120 Vantis, Suite 535, Aliso Viejo,
5 California 92656. January 18, 2011, I served the within documents:

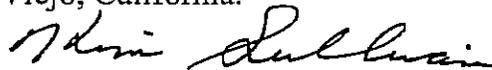
6 **STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND**
7 **TIME TO ANSWER OR OTHERWISE RESPOND TO FIRST AMENDED**
8 **COMPLAINT**

- 9 by transmitting via facsimile machine the document(s) listed above to the fax number(s)
10 set forth below on this date at approximately 10:05 AM. The outgoing facsimile machine
11 telephone number in this office is (949) 215-1999. The facsimile machines used in this
12 office create a transmission report for each outgoing facsimile transmitted. A copy of the
13 transmission report(s) for the service of this document, properly issued by the facsimile
14 machine(s) that transmitted this document and showing that such transmission was
15 (transmissions were) completed without error, is attached hereto.
- 16 by placing the document(s) listed above in a sealed envelope with postage thereon fully
17 prepaid, in the United States mail at Aliso Viejo, California addressed as set forth below.
18 I am readily familiar with the firm's practice of collecting and processing correspondence
19 for mailing. Under that practice it would be deposited with the U.S. Postal Service on
20 that same day with postage thereon fully prepaid in the ordinary course of business. I am
21 aware that on motion of the party served, service is presumed invalid if the postal
22 cancellation date or postage meter date is more than one day after date of deposit for
23 mailing in affidavit.
- 24 by putting a true and correct copy thereof, together with an unsigned copy of this
25 declaration, in a sealed envelope designated by the carrier, with delivery fees paid or
26 provided for, for delivery the next business day to the person(s) listed above, and placing
27 the envelope for collection today by the overnight courier in accordance with the firm's
28 ordinary business practices. I am readily familiar with this firm's practice for collection
and processing of overnight courier correspondence. In the ordinary course of business,
such correspondence collected from me would be processed on the same day, with fees
thereon fully prepaid, and deposited that day in a box or other facility regularly
maintained by Worldwide Network, Inc., which is an express carrier.

Gwen Fanger, Esq. (415) 276-6500
 Davis Wright Tremaine LLP (415) 276-6599-FAX
 505 Montgomery St., Suite 800
 San Francisco, CA 94111

24 I declare under penalty of perjury under the laws of the State of California that
25 the above is true and correct.

26 Executed on January 18, 2011, at Aliso Viejo, California.

27 

28 Kim Sullivan