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United HealthCare Insurance Company, UnitedHealth
7 Group, Inc., United HealthCare Services, Inc., and Ingenix,
Inc.
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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11

12 FOREST AMBULATORY SURGICAL
13 ASSOCIATES, L.P., doing business as Forest
SURGERY CENTER,

14 Plaintiff,

15
16 v.

17 UNITED HEALTHCARE INSURANCE
18 COMPANY, et al.,

19 Defendants.
20
21

Case No. CV10-04911 EJD

**STIPULATION TO EXTEND PAGE
LIMITATION FOR MOTION TO
DISMISS SECOND AMENDED
COMPLAINT UNDER FRCP 12(b)(6)**

(Santa Clara Superior
Court Number: 110CV183843)

Date: March 23, 2012
Time: 9:00 a.m.
Dept.: Ctrm. 8

Complaint Filed: Sept. 29, 2010

1 Plaintiff Forest Ambulatory Surgical Associates, L.P. ("Plaintiff") and Defendants
2 United HealthCare Insurance Company, UnitedHealth Group, Inc., United HealthCare
3 Services, Inc., and Ingenix, Inc. ("United") hereby submit, through their undersigned counsel
4 of record, the following Stipulation and Proposed Order to extend the page limitations for the
5 parties briefing on the motion to dismiss that United and other defendants intend to file in this
6 matter.

7 **WHEREAS** Plaintiff filed a Second Amended Complaint in this action on September
8 30, 2011;

9 **WHEREAS**, at the Case Management Conference held by the Court on December 9,
10 2011, the Court extended the time for all defendants to move, answer or otherwise respond to
11 the Second Amended Complaint in this matter to January 27, 2012 in order to allow United
12 time to attempt to coordinate its response with the 127 new defendants ;

13 **WHEREAS** counsel for United anticipates filing a motion to dismiss the Second
14 Amended Complaint on behalf of United and the new defendants;

15 **WHEREAS** given the number of claims raised by Plaintiff, the complexity of the
16 legal issues, and the number of defendants at issue in the Second Amended Complaint,
17 United has requested and Plaintiff has agreed to an extension of the normal page limitations
18 for briefing on a motion to dismiss in order to adequately address the legal issues involved;

19 **WHEREAS** Plaintiff and United agree that an additional 10 pages for initial briefing
20 (motion and opposition) and an additional 5 pages for reply will be sufficient, such that
21 United will be allowed 35 pages for their initial brief, Plaintiff will be allowed 35 pages for
22 its opposition and United will be allowed 20 pages for their reply;

23 **WHEREAS** no party will be prejudiced and all parties will benefit by extending the
24 page limitations for the anticipated motion to dismiss;

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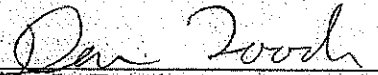
1 **NOW, THEREFORE**, Plaintiff and United stipulate that the page limitations for the
2 anticipated motion to dismiss be extended as follows:

- 3 • United's Initial Brief 35 pages (total);
- 4 • Plaintiff's Opposition 35 pages (total);
- 5 • United's Reply 20 pages (total).

6
7 **IT IS SO STIPULATED.**

8 Dated: January 19, 2012

HOOPER LUNDY & BOOKMAN

9
10
11 By: 
12 Daron L. Tooch

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

16 Dated: January 19, 2012

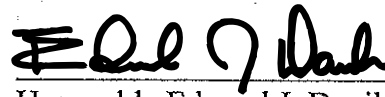
WALRAVEN & LEHMAN LLP

17 By: 
18 Bryan S. Westerfeld

19 Attorneys for Defendant
20 United HealthCare Insurance Company,
21 UnitedHealth Group, Inc., United
22 HealthCare Services, Inc., and Ingenix, Inc.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

24 Dated: January 23, 2012

25 
26 Honorable Edward J. Davila
27 United States District 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. On January 19, 2012, I served the within documents:

6 **STIPULATION TO EXTEND PAGE LIMITATION FOR MOTION TO**
7 **DISMISS SECOND AMENDED COMPLAINT UNDER FRCP 12(b)(6)**

- 8 by transmitting via facsimile machine the document(s) listed above to the fax number(s) set
9 forth below on this date at approximately 3:41 PM. The outgoing facsimile machine
10 telephone number in this office is (949) 215-1999. The facsimile machines used in this
11 office create a transmission report for each outgoing facsimile transmitted. A copy of the
12 transmission report(s) for the service of this document, properly issued by the facsimile
13 machine(s) that transmitted this document and showing that such transmission was
14 (transmissions were) completed without error, is attached hereto.
- 15 by placing the document(s) listed above in a sealed envelope with postage thereon fully
16 prepaid, in the United States mail at Aliso Viejo, California addressed as set forth below. I
17 am readily familiar with the firm's practice of collecting and processing correspondence for
18 mailing. Under that practice it would be deposited with the U.S. Postal Service on that
19 same day with postage thereon fully prepaid in the ordinary course of business. I am aware
20 that on motion of the party served, service is presumed invalid if the postal cancellation date
21 or postage meter date is more than one day after date of deposit for mailing in affidavit.
- 22 by putting a true and correct copy thereof, together with an unsigned copy of this
23 declaration, in a sealed envelope designated by the carrier, with delivery fees paid or
24 provided for, for delivery the next business day to the person(s) listed above, and placing
25 the envelope for collection today by the overnight courier in accordance with the firm's
26 ordinary business practices. I am readily familiar with this firm's practice for collection and
27 processing of overnight courier correspondence. In the ordinary course of business, such
28 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.

Daron L. Tooch	(310) 551-8111
Hooper, Lundy & Bookman	(310) 551-8181-FAX
1875 Century Park East, Suite 1600	
Los Angeles, CA 90067	

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

25 Executed on January 19, 2012 at Aliso Viejo, California.

26 

27 Kim Sullivan