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10 *Attorneys for Defendants/Counterclaimants*
DaVita Inc.; DaVita Medical Holdings, LLC;
11 *and DaVita Medical Management, LLC*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 SHERIF W. ABDOU, M.D. and AMIR S.
BACCHUS, M.D.,

15 Plaintiffs,

16 v.

17 DAVITA INC., HEALTHCARE PARTNERS
18 HOLDINGS, LLC, and HEALTHCARE
PARTNERS, LLC,

19 Defendants.

20
21 AND RELATED CLAIMS.
22

Case No. 2:16-cv-02597-APG-CWH

**STIPULATION AND ORDER EXTENDING
DEADLINES TO RESPOND TO
DEFENDANTS/COUNTERCLAIMANTS’:**

**(1) COUNTERMOTION TO MODIFY THE
PRELIMINARY INJUNCTION [ECF No.
110] (SECOND REQUEST); AND**

**(2) FIRST AMENDED ANSWER AND
COUNTERCLAIMS (FIRST REQUEST)
[ECF 146]**

23 Plaintiffs/Counterdefendants Sherif W. Abdou, M.D. and Amir S. Bacchus, M.D.
24 (“Abdou/Bacchus”) and Defendants/Counterclaimants DaVita Inc. (“DaVita”), DaVita Medical
25 Holdings, LLC, f/k/a HealthCare Partners Holdings, LLC (“HCP Holdings”), and DaVita Medical
26 Management, LLC, f/k/a HealthCare Partners, LLC (“HCP”) (collectively, the “DaVita Parties”)
27 (collectively, the “Parties”), stipulate and agree as follows:
28

1 1. On February 21, 2018, the DaVita parties filed their Countermotion to Modify the
2 Preliminary Injunction (“Countermotion”) [ECF 110].

3 2. The deadline for Abdou/Bacchus to respond to the Countermotion was March 7, 2018
4 (“Opposition Due Date”).

5 3. The deadlines for the DaVita Parties to reply in support of the Countermotion was
6 March 14, 2018 (“Reply Due Date”).

7 4. The Parties submitted a Stipulation and Order to Extend Response and Reply
8 Deadlines (First Request) on March 5, 2018 [ECF No. 129], and the Court ordered that the
9 Opposition Due Date was extended to March 27, 2018 and the Reply Due Date was extended to
10 April 6, 2018 [ECF No. 132].

11 5. On November 15, 2017, the DaVita Parties filed a Motion for Leave to File First
12 Amended Answer and Counterclaims [ECF No. 85].

13 6. On March 20, 2018, the Court GRANTED the DaVita Parties’ Motion for Leave to
14 File First Amended Answer and Counterclaims. [ECF 145].

15 7. On March 20, 2018, the Court filed the DaVita Parties’ First Amended Answer and
16 Counterclaims [ECF No. 146].

17 8. The deadline for Abdou/Bacchus to file their response to the DaVita Parties’ First
18 Amended Answer and Counterclaims is April 3, 2018.

19 9. On March 8, 2018, Abdou/Bacchus filed a Notice of Appeal [ECF No. 136],
20 appealing to the United States Court of Appeals for the Ninth Circuit the March 7, 2018 order of the
21 district court denying the Motion to Dissolve or Modify Injunction [ECF No. 135].

22 10. The briefing schedule for the Motion to Dissolve Appeal filed with the Ninth Circuit
23 on March 8, 2018, requires that the opening brief and excerpts of record are due no later than April
24 5, 2018, and the answering brief is due May 3, 2018.

25 11. The Parties agree that the Opposition Due Date should be extended to April 27, 2018,
26 and that the Reply Due Date should be extended to May 17, 2018. This is the second request for an
27 extension of these deadlines and is not intended to cause any delay or prejudice to any party.

28 12. The Parties agree that the date for Abdou/Bacchus to file their response to the First

1 Amended Answer and Counterclaims should be extended to April 20, 2018. This is the first request
2 for an extension of this deadline and is not intended to cause any delay or prejudice to any party.

3 13. Due to the time demands associated with the appeal before the United States Court of
4 Appeals for the Ninth Circuit [ECF No. 136] and the press of other business, the Parties request the
5 extension of the above-referenced deadlines.

6 DATED this 26th day of March, 2018.

DATED this 26th day of March, 2018.

7 SNELL & WILMER L.L.P.

BAILEY ❖ KENNEDY

8 By: /s/ Charles E. Gianelloni

By: /s/ Paul C. Williams

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ORDER

IT IS SO ORDERED. The Opposition Due Date to respond to the Countermotion is extended to April 27, 2018, and that the Reply Due Date in support of the Countermotion is extended to May 17, 2018.

IT IS FURTHER ORDERED. The deadline for Abdou/Bacchus to file their response to the DaVita Parties' First Amended Answer and Counterclaims is extended to April 20, 2018.



UNITED STATES MAGISTRATE JUDGE

Dated: March 27, 2018

Respectfully Submitted by:

BAILEY ❖ KENNEDY

By: /s/ Paul C. Williams

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