

P O R T E R | S C O T T

A PROFESSIONAL CORPORATION
JONATHAN A. CORR, SBN 190823
ADRIANA C. CERVANTES, SBN 282473
350 University Ave., Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorneys for Defendant KENNETH SUSMAN, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEANNIE ALDERSON and WILLIAM R. BROWN, CASE NO. 14-cv-03564 SI

Plaintiff(s)

vs.

**STIPULATION FOR REQUEST FOR
AN ORDER CHANGING THE TIME OF
THE SETTLEMENT CONFERENCE**

UNITED STATES OF AMERICA, et al.,

Defendant(s).

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs JEANNIE ALDERSON and WILLIAM BROWN and Defendants UNITED STATES OF AMERICA, EILER J. SOMMERHAUG, M.D., PETALUMA VALLEY HOSPITAL, and KENNETH SUSMAN, M.D., (hereinafter "all parties") by and through their undersigned Counsel, pursuant to Northern District Local Rule 6.1, 6.2, 7.12, for a Request for an Order Changing the Time of the Settlement Conference as follows:

WHEREAS, on June 1, 2015 this Court entered a PRETRIAL PREPARATION ORDER requiring the parties to complete a settlement conference before a magistrate judge in December 2015. See Dkt. # 51.

//

PORTER | SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1 WHEREAS, on June 5, 2015, U.S. Magistrate Judge Elizabeth D. Laporte entered Notice of
2 a Settlement Conference and Settlement Conference Order a settlement conference on December
3 18, 2015. See Dkt. # 53.

4 WHEREAS, on December 2, 2015, all parties learned of two compelling reasons to
5 continue the settlement conference to later date. First, Defendant Mendocino Coast District
6 Hospital has not appeared or participated in this action due to a pending bankruptcy matter.
7 Thomas Donnelly, counsel who will be representing Mendocino Coast District Hospital, informed
8 the parties that his client's pending bankruptcy matter was concluded and that he intends to file a
9 responsive pleading to this civil action prior to the currently scheduled Settlement Conference and
10 agreed to continue the settlement conference.

11 WHEREAS, on December 2, 2015, Robin Wall, counsel for the U.S. defendant, agreed to
12 continue the settlement conference to a later date on the additional grounds that his post-surgical
13 medical leave may need to be extended to December 11, 2015. This may result in Mr. Wall's
14 unavailability to participate in the previously scheduled depositions of Plaintiffs and the mandatory
15 pre-settlement conference meet and confer requirement and timely exchange of his client's
16 settlement conference statements and confidential letter.

17 WHEREAS, Plaintiffs Jeannie Alderson and William Brown's depositions were noticed for
18 October 2015, however, due to William's Brown's emergency medical condition, the depositions
19 were re-noticed at the earliest mutually convenient dates for December 7 and 9, 2015, respectfully.
20 On December 2, 2015, as a result above the two compelling reasons described above all parties
21 agreed to reschedule Plaintiffs Jeannie Alderson and William Browns depositions previously
22 noticed for December 7 and 9, 2015 respectively, to a date in or around mid/late-January 2016.
23 Further, it is anticipated that Plaintiffs deposition testimony is necessary for at least some of the
24 parties to have a productive settlement conference.

25 WHEREAS, on December 3, 2015, for the compelling reasons described above and in order
26 to conserve the Court's valuable resources and the resources of the parties, all parties stipulate and
27 request that this Court enter an Order continuing the time to complete the settlement conference
28 with Magistrate Judge Laporte to a date in or after March 2016.

PORTER | SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1 WHEREAS, based on the availability of all parties and Magistrate Judge Laporte, the
2 earliest date that all parties are available for a settlement conference with Judge Laporte is in March
3 2016.

4 WHEREAS, no prior modifications to the PRETRIAL PREPARATION entered on June 1,
5 2015, have been made by stipulation or Court Order. See Dkt. # 51-57.

6 WHEREFORE, in order to conserve the Court's and the parties' resources, the parties
7 stipulate and request that the Court enter an order continuing the deadline to complete the
8 settlement conference with Judge Laporte to April 2016.

9 IT IS SO STIPULATED.

10 Dated: December 4, 2015

Respectfully Submitted,

11 /s/ Craig A. Kroner

12 CRAIG A. KRONER
13 Attorney for Plaintiffs

14 MELINDA HAAG
15 United States Attorney

16 /s/ Robin M. Wall

17 ROBIN M. WALL
18 Assistant United States Attorney
19 Attorney for Federal Defendant

20 /s/ Robert S. Willoughby for

21 MARC N. ZIMMERMAN
22 ROBERT S. WILLOUGHBY
23 Attorneys for Defendant
24 Eiler J. Sommerhaug, M.D.

25 /s/ Lauren E. Tate

26 LAUREN E. TATE
27 Attorney for Defendant
28 Petaluma Valley Hospital

/s/ Adriana C. Cervantes

JONATHAN A. CORR
ADRIANA C. CERVANTES
Attorneys for Defendant
Kenneth Susman, M.D.

CERTIFICATION

Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that Adriana C. Cervantes, plaintiff and defendants have concurred in the filing of this document.

Dated: December 4, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

By

/s/ Adriana C. Cervantes
ADRIANA C. CERVANTES
Attorney for Defendant
Kenneth Susman, M.D.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: December 4, 2015

By



PORTER | SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PORTER | SCOTT

A PROFESSIONAL CORPORATION
JONATHAN A. CORR, SBN 190823
ADRIANA C. CERVANTES, SBN 282473
350 University Ave., Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorneys for Defendant KENNETH SUSMAN, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEANNIE ALDERSON and WILLIAM R. BROWN, CASE NO. 14-cv-03564 SI

Plaintiff(s)

vs.

**DECLARATION OF ADRIANA C.
CERVANTES IN SUPPORT OF
STIPULATION FOR REQUEST FOR
AN ORDER CHANGING THE TIME OF
THE SETTLEMENT CONFERENCE**

UNITED STATES OF AMERICA, et al.,

Defendant(s).

I, ADRIANA C. CERVANTES, declare:

1. I am an attorney with the law firm of Porter Scott, attorneys of record for Defendant KENNETH SUSMAN, M.D., and I am duly licensed to practice before all the courts of the State of California and the United States District Court for the Northern District of California.

2. On June 1, 2015 this Court entered a PRETRIAL PREPARATION ORDER requiring the parties to complete a settlement conference before a magistrate judge in December 2015. See Dkt. # 51. On June 5, 2015, U.S. Magistrate Judge Elizabeth D. Laporte entered Notice of a Settlement Conference and Settlement Conference Order a settlement conference on December 18, 2015. See Dkt. # 53.

1 3. Defendant Mendocino Coast District Hospital has not appeared or participated in
2 this action due to a pending bankruptcy matter.

3 4. On December 2, 2015, I received an email correspondence from Thomas Donnelly,
4 counsel who will be representing Mendocino Coast District Hospital, informing me that his client's
5 pending bankruptcy matter was concluded and that he intends to file a responsive pleading to this
6 action prior to the currently scheduled Settlement Conference and agreed that the most logical
7 approach seemed to be to continue the settlement conference. I forwarded Mr. Donnelly's email
8 correspondence to counsel for Plaintiffs JEANNIE ALDERSON and WILLIAM BROWN and
9 Defendants UNITED STATES OF AMERICA, EILER J. SOMMERHAUG, M.D., and
10 PETALUMA VALLEY HOSPITAL, (hereinafter "all parties") for consideration.

11 5. On December 2, 2015, Robin Wall, counsel for the U.S. defendant, agreed to
12 continue the settlement conference to a later date and provided additional grounds for a settlement
13 conference continuance. Specifically, Mr. Wall explained that his post-surgical medical leave may
14 need to be extended to December 11, 2015. This may result in his unavailability to participate in
15 Plaintiff's deposition and the mandatory pre-settlement conference meet and confer requirement as
16 well as timely exchange of his client's settlement conference statements and confidential letter.

17 6. Plaintiffs Jeannie Alderson and William Brown's depositions were noticed for
18 October 2015, however, due to William's Brown's emergency medical condition, the depositions
19 were re-noticed at the earliest mutually convenient dates for December 7 and 9, 2015, respectfully.

20 7. On December 2, 2015, as a result above the two compelling reasons described above
21 all parties agreed by email to reschedule Plaintiffs Jeannie Alderson and William Browns
22 depositions previously noticed for December 7 and 9, 2015 respectively, to a date in or around
23 mid/late-January 2016.

24 8. Counsel for Kenneth Susman, M.D. anticipates that Plaintiffs deposition testimony
25 is necessary for a productive settlement conference because they are key witnesses to the alleges
26 events.

27 9. On December 2 and 3, 2015, I informed Stephen Ybarra of the parties' intent to
28 request to continue the settlement conference before Magistrate Judge Laporte and also obtained

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

current dates of availability for a settlement conference in February 2016 or March 2016. At present, all parties are coordinating to determine the earliest mutually convenient date in March 2016.

10. After reviewing the docket in this case, it is my understanding that no prior modifications to the PRETRIAL PREPARATION ORDER entered on June 1, 2015, have been made by stipulation or Court Order. See Dkt. # 51-57.

Dated: December 4, 2015

Respectfully Submitted,

/s/ Adriana C. Cervantes
JONATHAN A. CORR
ADRIANA C. CERVANTES
Attorneys for Defendant
Kenneth Susman, M.D.

CERTIFICATION

Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that Adriana C. Cervantes, plaintiff and defendants have concurred in the filing of this document.

Dated: December 4, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

By

/s/ Adriana C. Cervantes
ADRIANA C. CERVANTES
Attorney for Defendant
Kenneth Susman, M.D.

PORTER | SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1 **ALDERSON V. UNITED STATES OF AMERICA**
2 **United States District Court San Francisco Division Case No. 14-Cv-03564 SI**

3 **PROOF OF SERVICE**

4 At the time of service, I was over 18 years of age and not a party to this action. My
5 business address is 350 University Avenue, Suite 200, Sacramento, California 95825.

6 On the date below, I served the following document:

7 **STIPULATION FOR REQUEST FOR AN ORDER CHANGING THE TIME OF THE**
8 **SETTLEMENT CONFERENCE**

9 **DECLARATION OF ADRIANA C. CERVANTES IN SUPPORT OF STIPULATION FOR**
10 **REQUEST FOR AN ORDER CHANGING THE TIME OF THE SETTLEMENT**
11 **CONFERENCE**

11 X	BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
12	
13	
14	BY PERSONAL SERVICE: I caused such document to be personally delivered to the person(s) addressed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.
15	
16	
17	
18	BY OVERNIGHT DELIVERY: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) listed below. I placed the envelope or package for collection and overnight delivery at my office or a regularly utilized drop box of the overnight delivery carrier.
19	
20	
21	BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
22	
23	BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.
24	

25 Addressed as follows:

26 **SEE ATTACHED SERVICE LIST**

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct. Executed at Sacramento, California on December 4, 2015.

/s/ Mya Tran

Mya Tran

PORTER | SCOTT
350 University Ave., Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
ALDERSON V. UNITED STATES OF AMERICA
United States District Court San Francisco Division Case No. 14-Cv-03564 SI

Plaintiffs:

Craig A. Kroner, Esq.
LAW OFFICE OF CRAIG A. KRONER
1141 Ringwood Court, #10
San Jose, CA 95131-1757
Tel: (408) 433-9893 Fax: (408) 433-9301
Email: locak@sbcglobal.net

Defendant United States of America:

Robin Michael Wall, Esq.
Melinda Haag, Esq.
U.S. Attorney's Office
Northern District of California
450 Golden Gate Ave.
Box 36055
San Francisco, CA 94102
Robin.wall@usdoj.gov

Defendant Petaluma Valley Hospital:

Lauren E. Tate, Esq.
Tate & Associates
1321 Eighth Street, Suite 4
Berkeley, CA 94710
Tel: (510) 525-5100 Fax: (510) 525-5130
Email: ltate@tateandassociates-law.com

Defendant Eiler J. Sommerhaug, M.D.:

Marc Novak Zimmerman
Robert Stewart Willoughby
Hassard Bonnington
275 Battery Street, Suite 1600
San Francisco, CA 94111
Tel: (415) 288-9800 Fax: (415) 288-9801
Email: mnz@hassard.com