

1 William M. White #152214  
2 Suzanne D. McGuire #203888  
3 Sherrie M. Flynn #240215  
4 **BAKER MANOCK & JENSEN, PC**  
5 5260 North Palm Avenue, Fourth Floor  
6 Fresno, California 93704  
7 Telephone: 559.432.5400  
8 Facsimile: 559.432.5620

6 | Attorneys for Defendant Muhammad Anwar, M.D.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 GENE SCOTT, et al., ) No. 1:05-CV-01282-OWW-GSA  
12 Plaintiffs, )  
13 v. ) JOINT STIPULATION AND ORDER  
14 SAMPATH SURYADEVARA, M.D., et al., ) RESCHEDULING DISCOVERY  
15 Defendants. ) DEADLINES AND TRIAL DATE  
16 )  
17 )

18 Pursuant to the Local Rules of the United States District Court for the Eastern District of  
19 California, Rule 83-143, Plaintiffs Genea Scott, Regina Boyce and Julie Holmes, and Defendants  
20 Debra Jacquez; Gwendolyn Mitchell; Sampath Suryadevara, M.D., Juan Jose Tur, M.D.; Shelly  
21 Kruse, M.D.; Muhammad Anwar, M.D.; and Madera Community Hospital, through their counsel  
22 of record,

**STIPULATE AND AGREE AS FOLLOWS:**

24                   1. On December 26, 2006, the Court entered an order consolidating for  
25 purposes of discovery the above-entitled matter with the related case of *Brenda Allen v. Jeanne*  
26 *Woodford, et al.*, Case No. 1:05-cv-01104-OWW-GSA.

27                   2. On March 28, 2008, the Court entered a Scheduling Conference Order  
28 (Document No. 96) setting forth the following deadlines in this matter:

1	Discovery Deadline (non-expert):	January 9, 2009
2	Expert Disclosure Deadline:	February 27, 2009
3	Rebuttal or Supplemental Expert Disclosure Deadline:	March 30, 2009
4	Discovery Deadline (expert):	May 8, 2009
5	Non-Dispositive Pre-Trial Motion Filing Deadline:	May 22, 2009
6	Settlement Conference:	June 4, 2009
7	Dispositive Pre-Trial Motion Filing Deadline:	June 9, 2009
8	Pre-Trial Conference Date:	August 17, 2009
9	Trial Date:	September 29, 2009

10                   3. Plaintiffs and Defendants have engaged in some discovery, and in the  
 11 related case of *Allen v. Woodford, et al.*, Plaintiff served document subpoenas on Non-Party  
 12 employees of the state of California on May 24, 2007 and June 7, 2007. However a dispute  
 13 arose regarding whether the Non-Parties are required to produce the documents, or whether the  
 14 Eleventh Amendment immunizes the Non-Parties from having to respond to Ms. Allen's  
 15 subpoenas.

16                   4. On February 20, 2008, the Court granted Plaintiff Allen's motion to  
 17 compel the Non-Parties to produce all responsive documents. On April 3, 2008, the Court issued  
 18 an order denying the Non-Parties' request for reconsideration of that ruling. On April 23, 2008,  
 19 the Non-Parties filed a Notice of Appeal to the United States Court of Appeals for the Ninth  
 20 Circuit (Document No. 228).

21                   5. The appeal is currently pending before the Ninth Circuit. (Case No. 08-  
 22 016118). Based on the consolidation for purposes of discovery, to the extent any documents are  
 23 produced in the *Allen* case, those documents would also be useable in this case. Plaintiffs  
 24 contend that they cannot properly conduct discovery or prepare for trial until they know whether  
 25 they will receive the documents in issue. Plaintiffs further contend that any Defendants and  
 26 defense witnesses deposed while the appeal is pending would have to be deposed again if this  
 27 Court's order compelling production of the documents is affirmed and the documents are  
 28 produced. Defendants contend that if such documents are produced, Defendants are entitled to

1 an opportunity to question witnesses regarding the content of such documents, and thus  
2 Defendants cannot complete discovery until it is known whether or not any documents will be  
3 produced by the Non-Parties.

4 6. Therefore, in order to avoid unnecessary expense and duplicated effort, the  
5 parties stipulate and request that the current trial date and deadlines be vacated and new dates  
6 and deadlines be set as the following

7	Discovery Deadline (non-expert):	June 26, 2009
8	Expert Disclosure Deadline:	August 28, 2009
9	Rebuttal or Supplemental Expert Disclosure Deadline:	September 21, 2009
10	Discovery Deadline (expert):	October 23, 2009
11	Non-Dispositive Pre-Trial Motion Filing Deadline:	November 12, 2009
12	Dispositive Pre-Trial Motion Filing Deadline:	April 27, 2010
13	Mandatory Settlement Conference:	June 7, 2010
14	Pre-Trial Conference Date:	August 9, 2010
15	Trial Date:	September 14, 2010
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2 DATED: December 17, 2008

BINGHAM MCCUTCHEN LLP

3 By: /s/ Sandra C. Zuniga

4 John D. Pernick

5 Sandra C. Zuniga

6 Attorneys for Plaintiffs

7 GENEVA SCOTT, REGINA BOYCE  
8 and JULIE HOLMES

9 DATED: December 17, 2008

10 ATTORNEY GENERAL OF THE STATE OF  
11 CALIFORNIA

12 By: /s/ William A. Krabbenhoft

13 WILLIAM A. KRABBENHOFT

14 Deputy Attorney General

15 Attorneys for Defendants Debra Jacquez,  
16 Shelly Kruse, Gwendolyn Mitchell, Sampath  
17 Suryadevara, M.D., and Juan Jose Tur, M.D.

18 DATED: December 17, 2008

19 MCCORMICK, BARSTOW, SHEPPARD, WAYTE &  
20 CARRUTH

21 By: /s/ Daniel Wainwright

22 Mario L. Beltramo, Jr.

23 Daniel L. Wainwright

24 Attorneys for Defendant

25 MADERA COMMUNITY HOSPITAL

26 DATED: December 17, 2008

27 BAKER MANOCK & JENSEN, PC

28 By: /s/ Suzanne D. McGuire

29 William M. White

30 Suzanne D. McGuire

31 Sherrie M. Flynn

32 Attorneys for Defendant

33 MUHAMMAD ANWAR, M.D.

1 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

2 DATED: 1/7/2009

3 /s/ OLIVER W. WANGER

4 The Honorable Oliver W. Wanger  
United States District Court  
Eastern District of California

5

6

7 DMS: 700790\_1.doc

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28