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(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Third-Party Defendant  
 JOHN E. DINSMORE, M.D.

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 LORENA S. ALVARADO, a minor, by  
 and through her Guardian ad Litem  
 12 LORENA ALVARADO,

Case No. 1:06-cv-01381-OWW-DLB

**JOINT STIPULATION AND ORDER TO  
 AMEND SCHEDULING ORDER**

13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA,

16 Defendant.

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17 UNITED STATES OF AMERICA,

18 Third-Party Plaintiff,

19 v.

20 CHILDREN'S HOSPITAL CENTRAL  
 CALIFORNIA; JOHN E. DINSMORE,  
 21 M.D.; DAVID HODGE, M.D.; and JILL  
 GHANBARIAN, FNP,

22 Third-Party Defendant.

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1 The parties, acting by and through their respective attorneys of record, hereby  
2 agree and stipulate to amend the Scheduling Order in this matter. An extension of the deadlines  
3 is necessary to accommodate the schedules of witnesses and counsel. The parties do not seek to  
4 continue this action's trial date.

5 The parties' agreement to a continuance of the discovery cut-off date, expert  
6 disclosure dates and other discovery cut-offs dates is based on good cause. Many of the witnesses  
7 are medical providers with limited availability for discovery purposes. One of the named  
8 Defendants and treating physician, Dr. John Dinsmore, has relocated in Roanoke, Virginia and  
9 has limited availability. This extension is based the parties' need to complete the discovery  
10 necessary to prepare for the January 5, 2010 trial date, given the limited availability of the  
11 Defendant and other witnesses as discovered based on his deposition.

12 Presently, Defendant, United States of America has noticed Dr. Dinsmore's  
13 deposition for April 15, 2009; however, Dr. Dinsmore is unavailable and cannot be produced in  
14 Fresno, California on this date. The parties have agreed to a deposition date of May 22, 2009,  
15 and wish that the below extensions be granted to accommodate not only the scheduling of Dr.  
16 Dinsmore's deposition, but also the request of Plaintiff and United States to have additional time  
17 after all fact discovery has been completed to then supplement their expert designations.

18 As such, to accommodate all parties and still comply with the District court order  
19 for trial to begin on January 5, 2010, the parties hereby stipulate to the following deadlines:  
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	<u>Previous Date</u>	<u>Stipulated New Date</u>
21 Non-Expert Discovery Cut-Off	April 17, 2009	June 8, 2009
22 Plaintiff & United States Disclosure of 23 Supplemental Expert Witnesses	April 3, 2009	June 12, 2009
24 Expert Discovery Cut-Off	June 26, 2009	September 4, 2009
25 Last day to File Non-Dispositive Motions	July 24, 2009	September 11, 2009
26 Last Day to File Dispositive Motions	September 11, 2009	October 16, 2009
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Motions shall be set on the first available date after the filing cut-off, allowing for timely service.

The Settlement Conference scheduled for August 25, 2009, the Pretrial Conference scheduled for November 9, 2009, and the trial date of January 5, 2010, shall all still remain in effect, as well as other deadlines set forth in the Scheduling Conference Order filed September 22, 2008, unless otherwise approved by the Court.

The parties respectfully request that the Court order the continuance of the dates described above, subject to the Court's approval. This Stipulation can be executed in counter parts.

Dated: March \_\_\_\_\_, 2009

MCCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

By: \_\_\_\_\_  
Lawrence E. Wayte  
Attorneys for Third-Party Defendant  
JOHN E. DINSMORE, M.D.

Dated: March \_\_\_\_\_, 2009

GWILLIAM, IVARY, CHIOSSO, CAVALLI  
& BREWER

By: \_\_\_\_\_  
Steven J. Brewer  
Kerri A. Jaffe  
Attorneys for Plaintiff  
LORENA S. ALVARADO, a minor, by and  
through her Guardian ad Litem LORENA  
ALVARADO

Dated: March \_\_\_\_\_, 2009

HABBAS, NASSERI & ASSOCIATES

By: \_\_\_\_\_  
Omar I. Habbas  
Attorneys for Plaintiff  
LORENA S. ALVARADO, a minor, by and  
through her Guardian ad Litem LORENA  
ALVARADO

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Dated: March \_\_\_\_\_, 2009

UNITED STATES ATTORNEY

By: \_\_\_\_\_  
Lawrence G. Brown, Acting U.S. Attorney  
Jeffrey J. Lodge, Assistant U.S. Attorney  
Attorneys for Defendant/Third Party Plaintiff  
UNITED STATES OF AMERICA

Dated: March \_\_\_\_\_, 2009

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By: \_\_\_\_\_  
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CHILDREN'S HOSPITAL OF CENTRAL  
CALIFORNIA and  
JILL GHANBARIAN, FNP

Dated: March \_\_\_\_\_, 2009

McNAMARA DODGE NEY BEATTY  
SLATTERY AND PFALZER, LLP

By: \_\_\_\_\_  
Robert William Hodges  
Attorneys for Third Party Defendant  
DAVID HODGE, M.D.

1 IT IS SO ORDERED.

2 The Scheduling Order in this matter is amended as follows:

3	<u>Original Date</u>	<u>New Date</u>	
4	Non-Expert Discovery Cut-Off	April 17, 2009	June 8, 2009
5	Plaintiff & United States Disclosure of Supplemental Expert Witnesses	April 3, 2009	June 12, 2009
6	Expert Discovery Cut-Off	June 26, 2009	September 4, 2009
7	Last day to File Non-Dispositive Motions	July 24, 2009	September 11, 2009
8	Last Day to File Dispositive Motions	September 11, 2009	October 16, 2009

10 Date: April 2, 2009

/s/ OLIVER W. WANGER  
U.S. DISTRICT COURT JUDGE

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