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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 CALEB A. MILLS, a minor, by and through his  
Guardian ad Litem, JACOB C. MILLS,

12 Plaintiff,

13 v.

14 THE UNITED STATES OF AMERICA,

15 Defendant.  
16

CASE NO. 1:09-cv-00900 LJO (DLB)

**STIPULATION TO EXTEND  
DISCOVERY DATES; ORDER**

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18 Plaintiff Caleb A. Mills, a minor by and through his guardian *ad litem* Jacob C. Mills, and  
19 Defendant the United States of America, through their respective counsel, hereby submit the following  
20 stipulation to extent discovery dates and request modification of the Court's scheduling order pursuant to  
21 Rule 16 of the Federal Rules of Civil Procedure.

22 **Recitals**

23 1. On December 7, 2009, this Court's Scheduling Order set the following dates for the  
24 completion of discovery, including expert discovery:

25 Plaintiff's Expert Disclosures:	August 2, 2010
26 Defendant's Expert Disclosures:	September 15, 2010
Discovery Cut-off:	November 15, 2010
27 Last date to file Discovery Motion:	November 15, 2010
Last date to have Discovery Motions heard:	December 17, 2010

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1 2. The parties have worked diligently to complete discovery, including participating in  
2 written discovery, and serving subpoenas on third parties. To date, the United States has also taken the  
3 depositions of Jacob and Heather Mills, who are the parents of Plaintiff, and five of the physicians  
4 involved in the care and treatment of Plaintiff. The United States has also scheduled and noticed  
5 approximately six additional depositions of medical providers involved in the care and treatment of  
6 Plaintiff, all to be completed by end of August 2010. Plaintiff has also noticed the deposition of  
7 approximately four medical providers from the federally-funded and insured healthcare clinic, and the  
8 parties are in the process of finalizing the depositions of at least two additional medical providers.

9 3. Due to the limited availability of the medical providers, as well as of counsel, many of  
10 their depositions could not be set until August 2010, which is after the date Plaintiff's expert disclosures  
11 are due.

12 4. The parties have met and conferred and agree concluding the depositions of Plaintiff's  
13 treating physicians prior to Plaintiff's expert disclosure will further the expedient resolution of this matter,  
14 including avoiding the need to prepare supplemental expert disclosures by both sides.

15 5. The parties do not seek or wish to change any remaining dates, including dates for  
16 dispositive motions, pretrial conference, or trial.

17 **Stipulation**

18 Accordingly, based upon the foregoing, the parties hereby STIPULATE that:

19 1. The date for Plaintiff to make his disclosure of experts under Rule 26(a)(2) shall be  
20 continued to September 15, 2010;

21 2. The date for the United States's disclosure of experts under Rule 26(a)(2) shall be  
22 continued to November 1, 2010;

23 3. The deadline for completion of all discovery shall be continued to January 15, 2011;

24 4. The deadline for filing a discovery motion shall be continued to January 15, 2011, with the  
25 last date to have a motion heard February 18, 2011; and

26 5. All remaining pretrial dates shall remain as set by the Court in its December 7, 2009 Order.  
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IT IS SO STIPULATED.

DATED: July 27, 2010

BENJAMIN B. WAGNER  
United States Attorney

By:     /s/ Todd Pickles      
TODD A. PICKLES  
Assistant United States Attorney

Attorneys for Defendant the United States of America

DATED: July 27, 2010

BARADAT & PABOOJIAN, INC.

By:     /s/ Daniel R. Baradat      
DANIEL R. BARADAT  
DANIEL C. STEIN

Attorneys for Plaintiffs

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**ORDER**

Having read and considered the parties' Stipulation to Extend Discovery Dates IT IS HEREBY ORDERED THAT:

1. The dates for completion of discovery, including expert discovery, shall be CONTINUED to the dates set forth in the stipulation above; and

2. All remaining pretrial dates set by this Court's December 7, 2009 Scheduling Order shall remain UNCHANGED.

The extension of the deadlines relating to discovery ordered above SHALL NOT BE CONSIDERED IN DERTIMINING WHETHER THERE IS GOOD CAUSE FOR THE EXTENSION OF ANY OTHER DEADLINES set in this Court's December 7, 2009 Scheduling Order.

IT IS SO ORDERED.

Dated: July 28, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE