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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DIANE THOMAS-YOUNG,

Plaintiff,

v.

SUTTER CENTRAL VALLEY
HOSPITALS dba MEMORIAL
MEDICAL CENTER,

Defendant.

Case No. 1:12-cv-01410-AWI-SKO

**ORDER RE: INFORMAL DISCOVERY
DISPUTE CONFERENCE**

On June 26, 2013, an informal telephonic discovery conference was held in chambers and off the record before Magistrate Sheila K. Oberto. During the conference, the Court issued the following rulings:

1. Plaintiff's Deposition.

The continuation of Defendant Sutter Central Valley Hospital DBA Memorial Medical Center's ("Defendant") deposition of Plaintiff Diane Thomas-Young ("Plaintiff") shall take place prior to the end of July 2013, on a date mutually agreeable to the parties. The deposition length on that date **may not exceed a total of four (4) hours.**

2. Discovery Related to Plaintiff's Emotional Distress Damages.

Plaintiff's claim for "garden variety" emotional distress damages does not waive the privilege regarding the content of her medical and psychotherapy records; however, facts

1 concerning the existence of such treatment are not privileged. As such, Plaintiff is required to
2 produce information and answer questions regarding her attendance at psychotherapy sessions,
3 but Defendant may not inquire into the content of those sessions.

4 **3. Supplemental Briefing Regarding Plaintiff's Emotional Distress Damages.**

5 Defendant may file a supplemental brief, with citations to Ninth Circuit and/or California
6 federal authority, to establish that Defendant is entitled to discovery of all of Plaintiff's medical
7 records due to Plaintiff's claim of garden variety emotional distress damages.

8 Defendant's brief shall be filed by **no later than July 1, 2013, at 12:00 p.m. (noon)**.
9 Plaintiff shall file an opposition brief by **no later than July 3, 2013, at 12:00 p.m. (noon)**. The
10 motion shall be deemed submitted at that time; no further argument or briefing will be permitted
11 unless requested by the Court.

12 **4. Plaintiff's Depositions of Defendant's Witnesses.**

13 Plaintiff's depositions of Defendant's witnesses shall be held on the dates noticed by
14 Plaintiff for the end of July and the beginning of August 2013, or upon other mutually agreeable
15 dates as determined by the parties. The depositions of Defendant's witnesses *are not contingent*
16 *upon the completion of Plaintiff's deposition by Defendant.*

17 **5. Plaintiff's Responses to Defendant's Discovery Requests.**

18 Pursuant to the parties' agreement, Plaintiff shall provide supplemental responses and
19 initial responses to Defendant's discovery requests on the dates previously agreed upon by the
20 parties.

21 **6. Continuation of Discovery Deadline.**

22 The discovery deadline is *not* continued at this time. The Court will consider continuing
23 the discovery deadline upon a showing of good cause.

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26 IT IS SO ORDERED.

27 Dated: June 27, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE