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LUCILE PACKARD CHILDREN'S HOSPITAL AT STANFORD

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 CHRISTINE DEETHS, an individual,
10
11 Plaintiff(s),

12 v.

13 LUCILE SALTER PACKARD CHILDREN'S
HOSPITAL AT STANFORD, a California
corporation; JOHN STIRLING, Jr., individually;
14 CEDARS-SINAI MEDICAL CENTER, a
California non-profit corporation; CHRISTOPHER
15 HARRIS, individually; BAKERSFIELD
MEMORIAL HOSPITAL, a California corporation;
16 ANTHONY THOMAS, individually; LEGACY
BEHAVIORAL SERVICES, INC., a California
17 corporation; TARA CRUZ, an individual; EDDIE
CRUZ, an individual; and DOES 1 through 50,
18 inclusive,

19 Defendants.

Case No: 1:12-cv-02096-LJO-JLT

**THIRD STIPULATION TO EXTEND
TIME TO RESPOND TO COMPLAINT**

(Doc. 17)

20
21 Plaintiff CHRISTINE DEETHS and defendant LUCILE PACKARD CHILDREN'S
22 HOSPITAL AT STANFORD by and through their undersigned counsel, hereby agree and stipulate as
23 follows:

24 WHEREAS, this case involves multiple legal issues, upon which the parties are in the process
25 of meeting and conferring.

26 WHEREAS, the parties are meeting and conferring in an effort to resolve the disputed issues
27 through possible voluntary dismissal of Defendant LUCILE PACKARD CHILDREN'S HOSPITAL
28 AT STANFORD or a possible narrowing of the issues to be potentially raised in a Federal Rule of Civil

1 Procedure 12(b) Motion, in order to spare the resources of the Court.

2 WHEREAS, the court's order dated March 19, 2013, on the parties' second stipulation noted
3 that no further extensions were allowed, as it was the parties' third stipulation and that no reason for the
4 extension was noted in the earlier stipulation. However, it was defendant CEDARS-SINAI MEDICAL
5 CENTER who had filed its third stipulation on March 19, 2013 and not defendant LUCILE PACKARD
6 CHILDREN'S HOSPITAL AT STANFORD.

7 WHEREAS, defendant LUCILE PACKARD CHILDREN'S HOSPITAL AT STANFORD had
8 only filed one prior stipulation at that time and its reasons for meeting and conferring were cited in the
9 letter to the Court provided simultaneously with the stipulation. Therefore, it is the understanding of the
10 parties that the language in the March 19, 2013, order disallowing further extensions, was intended for
11 defendant CEDARS-SINAI MEDICAL CENTER and inadvertently directed at defendant LUCILE
12 PACKARD CHILDREN'S HOSPITAL AT STANFORD.

13
14 WHEREAS, the parties will conclude the meet and confer process on the issues in the next 8
15 days.

16 **STIPULATION**

17 THAT FOR GOOD CAUSE SHOWN, the parties have reached the following stipulation:

18 1. Pursuant to Federal Rule of Civil Procedure 6(b), the time for defendant LUCILE
19 PACKARD CHILDREN'S HOSPITAL AT STANFORD to respond to plaintiff Christine Deaths'
20 Complaint for Damages is hereby extended by 7 days.

21 2. The new deadline to file a response to the complaint is now April 23, 2013.

22 IT IS SO STIPULATED.

23 Dated: April 15, 2013 SHEUERMAN, MARTINI, TABARI, ZENERE & GARVIN

24
25 By: /s/ Monique Shamun-Khasho, Esquire

26 DAVID SHEUERMAN

27 MONIQUE SHAMUN-KHASHO

Attorneys for Defendant

28 LUCILE PACKARD CHILDREN'S HOSPITAL AT
STANFORD

1
2 Dated: April 15, 2013

THE LAW OFFICES OF SHAWN A. McMILLAN, APC

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4 By: /s/ Shawn A. McMillan, Esquire (as authorized on 4/15/13)
5 SHAWN A. McMILLAN
6 Attorneys for Plaintiff
7 CHRISTINE DEETHS

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ORDER

Before the Court is yet another stipulation of the parties to extend time for a defendant to file a responsive pleading. (Doc. 17) The first stipulation was filed by Defendant Cedars Sinai (Doc. 7), the second was filed by Lucille Salter Packard Children’s Hospital (“Lucile Salter) (Doc. 9), the third was filed by Cedars Sinai (Doc. 11), the fourth was filed by Lucille Salter (Doc. 13) and the fifth was filed, once again by Cedars Sinai (Doc. 15). None of these requests described any reason for the stipulated extension. (Docs. 7, 9, 11, 13, 15) As to the last stipulated extension filed on March 19, 2013, the Court’s order, though granting the stipulation, noted, **“No further extensions will be authorized.”** (Doc. 14 at 2)

In the current stipulation, once again, little information is provided explaining what is occurring such that the responsive pleading cannot be filed. Though counsel report they are “meeting and conferring” regarding the “multiple issues” the litigation raises and that they are hopeful that this will result in a voluntary dismissal or narrowing of issues that will be raised in a Fed. R. Civ. P. 12(b) motion, this scant information provides the Court no ability to gauge why the parties have been unable, in the nearly three months since Lucile Salter was served with summons and complaint, to resolve these “multiple issues” or to convince themselves that resolution will not occur.

Nevertheless, the Court will grant this **final** extension of time to file a responsive pleading. This Court cannot and will not permit any further delays in moving this case forward. Moreover, in the event that a Fed. R. Civ. P. 12(b) motion is filed, counsel for Lucile Salter **SHALL** recite in detail the meet and confer efforts made toward alleviating the need for the motion.

Based upon the foregoing, the Court **ORDERS**:

1. The stipulated extension of time to April 23, 2013 for Defendant Lucile Salter’s to file

1 its responsive pleading in **GRANTED. Absolutely no further extensions of time will be authorized;**

2 2. In the event Defendant Lucile Salter files a motion to dismiss pursuant to Fed. R. Civ.
3 P. 12(b), in its moving papers, counsel **SHALL** recite in detail all meet and confer efforts made toward
4 alleviating the need for the motion.

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6 IT IS SO ORDERED.

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Dated: April 16, 2013

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/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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