

1 ORRY P. KORB, County Counsel (S.B. #114399)
MELISSA R. KINIYALOCTS, Deputy County Counsel (S.B. #215814)
2 STEPHEN H. SCHMID, Deputy County Counsel (S.B. #078055)
OFFICE OF THE COUNTY COUNSEL
3 70 West Hedding Street, East Wing, Ninth Floor
San Jose, California 95110-1770
4 Telephone: (408) 299-5900
Facsimile: (408) 292-7240

5 Attorneys for Defendants
6 COUNTY OF SANTA CLARA and JOHN
STIRLING, M.D.

8 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 CHRISTINE DEETHS, an individual,

12 Plaintiff,

13 v.

14 LUCILE SALTER PACKARD CHILDREN'S
HOSPITAL AT STANFORD, a California
15 corporation et al.,

16 Defendants.

No. 1:12-CV-02096-LJO-JLT

**STIPULATION AND ORDER
CONTINUING THE DECEMBER 11, 2013
CASE MANAGEMENT CONFERENCE**

(Doc. 72)

18 The parties jointly submit this Stipulation and [Proposed] Order Continuing the December
19 11, 2013 Case Management Conference in light of the following facts:

20 1. The following Defendants have filed motions to dismiss the Second Amended
21 Complaint: Lucile Salter Packard Children's Hospital at Stanford, John Stirling, the County of Santa
22 Clara, Cedars-Sinai Medical Center, and Christopher Harris. The motions to dismiss the Second
23 Amended Complaint were set for hearing on October 31, 2013, but the Court vacated the hearing on
24 Defendants' motions to dismiss and ordered the motions submitted.

25 2. The Court has not yet issued rulings on the motions. As such, the case is not yet at
26 issue as to Defendants Lucile Salter Packard Children's Hospital at Stanford, John Stirling, the
27 County of Santa Clara, Cedars-Sinai Medical Center, and Christopher Harris.

28 //

1 3. Further, on June 18 and 26, 2013, the Superior Court for the County of Kern held
2 hearings on petitions by Plaintiff Christine Deeths and the County of Santa Clara for disclosure of
3 juvenile records pursuant to California Welfare and Institutions Code section 827. The Court
4 granted the petitions, subject to an *in camera* review of the records and a release of the records
5 subject to a protective order. The Court, however, has not released the juvenile records. Counsel for
6 the County of Santa Clara has twice attempted to determine the status of the release of the juvenile
7 records but has not received a response from the Superior Court.

8 4. The pending motions to dismiss may result in some Defendants and claims being
9 dismissed from this action. Moreover, the juvenile records from the Superior Court for the County
10 of Kern are relevant to the issues in this action and will impact the parties' ability to: (a) summarize
11 the factual and legal contentions at issue in this case; and (b) propose a discovery plan and schedule,
12 including an assessment of the types and number of expert witnesses that might be needed in this
13 case. Because the operative facts of the case have arisen out of the juvenile dependency proceedings
14 involving Plaintiff's children, the associated court files and related records, presently unavailable to
15 the parties, form the bedrock of relevant evidence. Thus, for all parties concerned, discovery cannot
16 begin until these records are obtained through the juvenile dependency court.

17 Accordingly, the parties stipulate to continue the Case Management Conference to February
18 5, 2014.

19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
20 "conformed" signature (/S/) within this efiled document.

21
22 Dated: November 20, 2013

By: _____ /S/

MELISSA R. KINIYALOCTS
Deputy County Counsel

Attorneys for Defendants
COUNTY OF SANTA CLARA and JOHN
STIRLING, M.D.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 21, 2013

By: /S/
SHAWN A. MCMILAN

Attorney for Plaintiff

Dated: November 22, 2013

By: /S/
BLAKE R. JONES

Attorneys for Defendants
CHRISTOPHER HARRIS and CEDARS-SINAI
MEDICAL CENTER

Dated: November 22, 2013

By: /S/
CARRIE HOPE WEINSTEIN

Attorneys for Defendant
ANTHONY THOMAS

Dated: November 22, 2013

By: /S/
JEREMY SWANSON

Attorneys for Defendants
TARA CRUZ and EDDIE CRUZ

Dated: November 20, 2013

By: /S/
DAVID SHEUERMAN

Attorneys for Defendant
LUCILE SALTER PACKARD CHILDREN'S
HOSPITAL AT STANFORD

