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6	COUNTY OF SANTA CLARA and JOHN STIRLING, M.D.		
7	STIKLING, W.D.		
8	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA		
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10			
11	CHRISTINE DEETHS, an individual,	No. 1:12-CV-02096-LJO-JLT	
12	Plaintiff,	<b>STIPULATION AND ORDER CONTINUING THE DECEMBER 11, 2013</b>	
13	v.	CONTINUING THE DECEMBER 11, 2015 CASE MANAGEMENT CONFERENCE	
14	LUCILE SALTER PACKARD CHILDREN'S HOSPITAL AT STANFORD, a California	(Doc. 72)	
15	corporation et al.,		
16	Defendants.		
17			
18	The parties jointly submit this Stipulation a	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	//		
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Further, on June 18 and 26, 2013, the Superior Court for the County of Kern held
 hearings on petitions by Plaintiff Christine Deeths and the County of Santa Clara for disclosure of
 juvenile records pursuant to California Welfare and Institutions Code section 827. The Court
 granted the petitions, subject to an *in camera* review of the records and a release of the records
 subject to a protective order. The Court, however, has not released the juvenile records. Counsel for
 the County of Santa Clara has twice attempted to determine the status of the release of the juvenile
 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 the factual and legal contentions at issue in this case; and (b) propose a discovery plan and schedule, 11 12 including an assessment of the types and number of expert witnesses that might be needed in this case. Because the operative facts of the case have arisen out of the juvenile dependency proceedings 13 involving Plaintiff's children, the associated court files and related records, presently unavailable to 14 the parties, form the bedrock of relevant evidence. Thus, for all parties concerned, discovery cannot 15 begin until these records are obtained through the juvenile dependency court. 16

Accordingly, the parties stipulate to continue the Case Management Conference to February5, 2014.

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

22	Dated: November 20, 2013	By:/\$	
23		MELISSA R. KII Deputy County C	
24		Attorneys for De	fendants
25		STIRLING, M.D	ANTA CLARA and JOHN .
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2		By:	<u>/S/</u>
3	Dated: November 21, 2013	5	SHAWN A. MCMILAN
4			Attorney for Plaintiff
5			
6			
7	Dated: November 22, 2013	By:	/S/ BLAKE R. JONES
8			
9			Attorneys for Defendants CHRISTOPHER HARRIS and CEDARS-SINAI MEDICAL CENTER
10			
11			
12	Dated: November 22, 2013	By:	/S/ CARRIE HOPE WEINSTEIN
13			
14			Attorneys for Defendant ANTHONY THOMAS
15			
16			
17	Dated: November 22, 2013	Bv:	/S/
18	,,,	J	JEREMY SWANSON
19			Attorneys for Defendants TARA CRUZ and EDDIE CRUZ
20			
21			
22			
23	Dated: November 20, 2013	By:	/S/ DAVID SHEUERMAN
24			Attorneys for Defendant
25			Attorneys for Defendant LUCILE SALTER PACKARD CHILDREN'S HOSPITAL AT STANFORD
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Dated: November 22, 2013

By: S/BRUCE JAMES BERGER

> Attorneys for Defendant LEGACY BEHAVIORAL SERVICES, INC.

## **ORDER**

Before the Court is the stipulation of the parties seeking to continue the scheduling conference. (Doc. 72) The stipulation is based, in part, on the fact that the motion to dismiss the second amended complaint is pending. Id. at 1. Likewise, the parties note that the Kern County Juvenile Court, though having granted the Petition for Disclosure of Juvenile Records (Cal. Welf. & Inst. Code § 827), has not yet disclosed the records pending an in camera review.

Based upon the stipulation, the Court finds good cause to continue the scheduling conference to allow the order on the motion to dismiss to be issued. However, the Court does not find good cause exists based upon the failure to receive the juvenile records. Indeed, discovery has not yet been opened so receiving these records during the discovery period, imposes no prejudice and, given the Kern County Superior Court has had the review pending since June 2013, it is unknown when that review will occur. Therefore, the Court **ORDERS**:

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The stipulation to continue the scheduling conference is **GRANTED**: 1.

2. The scheduling conference is **CONTINUED** from December 11, 2013 to February 5, **2013 at 9:00 a.m.** The parties SHALL file their joint statement no later than **January 29, 2013**.

IT IS SO ORDERED. 22

23 Dated: November 25, 2013 24 25 26 27

/s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE

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