

1 CHERYL D. ORR (SBN 143196)
PHILIPPE A. LEBEL (SBN 274032)
2 SABA S. SHATARA (SBN 294150)
DRINKER BIDDLE & REATH LLP
3 50 Fremont Street, 20th Floor
San Francisco, CA 94105-2235
4 Telephone: (415) 591-7500
Facsimile: (415) 591-7510

5 Attorneys for Defendants
6 Kaplan, Inc. and Kaplan Higher Education, LLC

7 SHELLEY G. BRYANT - #222925
AMANDA B. WHITTEN - #251160
8 BRYANT WHITTEN, LLP
8050 North Palm Avenue, Suite 210
9 Fresno, California 93711
(559) 494-4910 Telephone
10 (559) 421-0369 Facsimile

11 Attorneys for Plaintiff, MARCELLA JACKSON

12
13 UNITES STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15
16 MARCELLA JACKSON,
17 Plaintiff,

18 v.

19 KAPLAN HIGHER EDUCATION, LLC, a
Delaware limited liability company,
20 KAPLAN HIGHER EDUCATION
CORPORATION, an unknown business
21 entity, KAPLAN, INC., a Delaware
corporation, and Does 1 through 20,
22 inclusive,

23 Defendants.
24

Case No. 1:14-CV-00073-AWI-BAM

**JOINT STIPULATION TO EXTEND
DEADLINES RE: MEDICAL RECORDS;
AND ORDER THEREON**

1 Pursuant Rules 16 and 29 of the Federal Rules of Civil Procedure, defendants KAPLAN,
2 INC. and KAPLAN HIGHER EDUCATION, LLC (collectively, “Defendants”) and Plaintiff
3 Marcella Jackson (“Plaintiff”), through their respective counsel, hereby jointly submit this
4 stipulation for an order to (1) extend the deadline to file any motion or application related to
5 Plaintiff’s medical records, from December 19, 2014, to January 1, 2015; and (2) permit
6 Defendants to designate an expert related to Plaintiff’s medical records up to 21 days after
7 Defendants receive Plaintiff’s final medical records from all providers subpoenaed.

8 WHEREAS, on November 25, 2014, the Court issued an Order Regarding November 24,
9 2014 Discovery Conference providing that Defendants were entitled to discovery regarding
10 Plaintiff’s mental and physical health records for the time period beginning November 1, 2011,
11 through the present, from health care providers served with subpoenas;

12 WHEREAS, Defendants served the following health care providers with subpoenas:
13 Kaiser Permanente; Community Behavioral Health Center; the Fresno County Department of
14 Behavioral Health; and Roberta Samples, MSN, APRN, FNP-BC, Anderson Medical Associates;

15 WHEREAS, the Court’s order required the subpoenaed medical providers to produce
16 Plaintiff’s medical records on or before December 12, 2014, and extended the non-expert
17 discovery deadline for the parties to file any motion or application regarding this discovery issue
18 to no later than December 19, 2014;

19 WHEREAS, only one of Plaintiff’s health care providers produced responsive records by
20 the December 12, 2014 deadline; and, as of December 17, 2014, Community Behavioral Health
21 Center still has yet to provide any records, despite the Court’s order;

22 WHEREAS, while the remaining provider has represented that they will produce
23 Plaintiff’s medical records by Friday, December 19, 2014, that is insufficient time for Defendants
24 to review the records and determine whether any motion needs to be filed to address any
25 deficiencies (if any) or compel further related discovery;

26 WHEREAS, to allow adequate time to review the late produced records, the parties agree
27 and request that the Court extend the deadline to file any motions or applications related to the
28 medical records to January 1, 2015;

1 WHEREAS, since Defendants cannot reasonably determine whether they will need to
2 designate a medical expert until they have received and reviewed Plaintiff's medical records, the
3 parties agree that Defendants may designate a medical expert related to Plaintiff's medical
4 records within 21 days of receipt of the final medical records;

5 WHEREAS, Defendants agree to promptly make any designated expert available for
6 deposition;

7 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by the parties
8 through their undersigned counsel of record that:

9 1. The deadline to file any motions related to the medical records outlined is
10 extended to January 1, 2015.

11 2. Defendants may designate a medical expert related to Plaintiff's medical records
12 within 21 days of receipt of the final medical records.

13
14 Dated: December 19, 2014

DRINKER BIDDLE & REATH LLP

15
16 By: /s/ Philippe A. Lebel

17 Cheryl D. Orr
Philippe A. Lebel
Saba S. Shatara

18 Attorneys for Defendants
19 Kaplan, Inc. and
Kaplan Higher Education, LLC

20
21 Dated: December 23, 2014

BRYANT WHITTEN LLP

22
23 By: /s/ Amanda Witten

24 Amanda Whitten

25 Attorney for Plaintiff,
26 MARCELLA JACKSON

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

ORDER

GOOD CAUSE APPEARING, the Court hereby approves this Joint Stipulation to
Extend Deadlines Re: Medical Records as set forth above.

IT IS SO ORDERED.

Dated: December 23, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE