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5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF CALIFORNIA

7 DOMINIC HANNA,) Case No. 1:14-cv-00142 LJO/SKO
8 Plaintiff,)
9 v.) STIPULATION TO MODIFY
10 FRESNO COUNTY, et al.,) SCHEDULING ORDER EXTENDING
11 Defendants.) NON-EXPERT DISCOVERY
CUT-OFF BY SIXTY DAYS

12 Plaintiff Dominic Hanna by and through his counsel, Robert Navarro and
13 Carolyn Phillips, and defendants Fresno County, et al., by and through their respective
14 counsel Carey Johnson and Michele Pepper, stipulate and agree to modify the
15 scheduling order to allow additional time within which to complete non-expert
16 discovery from February 8, 2016 to April 8, 2016.

17 The original complaint in the above-entitled matter was filed February 3, 2014, a
18 First Amended Complaint was filed May 8, 2014 followed by a Second Amended
19 Complaint, to correct named defendants, May 20, 2014. Docs. 1, 20, 21. The Second
20 Amended Complaint did not survive a motion to dismiss. See Docs. 21, 24, 38. The
21 Third Amended Complaint filed July 27, 2014 survived defendants' motion to dismiss
22 and an Answer was filed December 4, 2014, after which the litigation was suspended
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1 pending determination of plaintiff's mental competence from January 29, 2015 through
2 May 13, 2015. Docs 55-58. Defense counsel was substituted July 7, 2015.

3 Counsel for plaintiff requested appointment August 28, 2015, that request was
4 granted November 9, 2015. Docs. 74, 91.

5 Since this date counsel have toured photographed and video taped the areas of
6 the jail where plaintiff Hanna was incarcerated and the areas where he made two
7 attempts to commit suicide. Further, plaintiff's counsel has taken three third-party
8 witness depositions, and anticipates taking approximately twelve additional nonexpert
9 depositions. The number of depositions reflects the number of percipient witnesses to
10 the two separate suicide attempts, the mental assessment between attempts, and third
11 parties and defendants responsible for the creation and implementation of mental
12 health policies and procedures.

13 On August 27, 2015, plaintiff propounded two sets of document requests, one set
14 to the County of Fresno and the second set to defendant Mims. These requests focused
15 on documents regarding policies, procedures, and budgetary decisions of defendants.
16 Responses, including objections, were served on October 13, 2015, after an extension
17 was obtained. However, to date those responses remain incomplete. Until defendants'
18 responses to the discovery are completed plaintiff believes that some depositions cannot
19 be taken. Although defendants have objected to the written discovery, they are working
20 on providing further documents. Defendants maintain that the nature of the requests
21 are such that identifying and providing the documents is very time consuming.

22 Counsel for plaintiff has outlined the outstanding discovery yet to be completed
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1 and discussed the same with opposing counsel on several occasions from November 9,
2 2015, to January 6, 2016. Mr. Johnson has stated that he is getting together other
3 responsive documents but those documents have not yet been provided to counsel, and
4 additional documents have yet to be identified by Mr. Johnson for production. On
5 January 6, 2016 plaintiff served a Request for Production of Documents, Set Two on
6 defendant Mims.

7 The number of depositions and connectedness of the written discovery to those
8 depositions is due in part to the nature of this lawsuit, which includes not only civil
9 rights violation, deliberate indifference to mental health needs, but also a Monell claim
10 which is inherently document intensive. In addition to depositions of percipient
11 witness, it will be necessary to depose individuals designated by the County to testify
12 regarding the customs developed, implemented, enforced, encouraged and sanctioned
13 by the County regarding the custom and practice regarding the treatment and care of
14 inmates with mental health disorders, withholding psychiatric medications, and other
15 constitutional deprivations in the Jail.

16 In order to complete the necessary discovery in preparation for trial additional
17 time is necessary in order to adequately address the remaining depositions and written
18 discovery.

19 On these bases the parties agree that an additional sixty-days for completion of
20 non-expert discovery is necessary and hereby stipulate to extend the nonexpert
21 discovery cut-off to April 8, 2016.

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IT IS SO STIPULATED:

Dated: 1/7/2016

ROBERT NAVARRO
CAROLYN D. PHILLIPS

By: /s/Carolyn D. Phillips
Carolyn D. Phillips
Attorneys for Petitioner
DOMINIC HANNA

Dated: 1/7/2016

STAMMER, McKNIGHT

By: /s/ Carey Johnson
CAREY JOHNSON
MICHELLE PEPPER
Attorneys for Defendants

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ORDER

GOOD CAUSE APPEARING, the Court grants the request to extend the non-expert discovery cut-off to April 8, 2016.

IT IS ORDERED THAT the Scheduling Order shall be modified to extend the discovery cut-off to April 8, 2016.

IT IS SO ORDERED.

Dated: January 7, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE