

Andrew R. Weiss #95567
Carol A. O'Neil #71282
WEISS·SALINAS LAW GROUP, INC.
7108 North Fresno Street, Suite 250
Fresno, California 93720
Telephone: (559) 438-2080
Facsimile: (559) 438-8363
Email: aweiss@weiss-salinas.com

Attorneys for Defendant Philip Hyden, M.D.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA RIVERA-MARTINEZ and
ARTURO MARTINEZ,

Plaintiffs,

vs.

KERN COUNTY; KERN COUNTY
DEPARTMENT OF HUMAN RESOURCES;
SOCIAL WORKER STEPHANIE MEEK,
individually; PHILIP HYDEN, M.D.,
individually; and DOES 1 through 100,
inclusive,

Defendants.

) Case No. 1:16-CV-00062---JLT

) **STIPULATION AND (PROPOSED)**

) **ORDER THEREON MODIFYING THE**

) **JUNE 21, 2016, SCHEDULING ORDER**

) **[ECF DOC. NO. 21] TO CONTINUE THE**

) **NOVEMBER 8, 2016, MID-DISCOVERY**

) **STATUS CONFERENCE TO DECEMBER**

) **20, 2016, DUE TO NON-RECEIPT OF**

) **NEEDED JUVENILE COURT RECORDS**

) (Doc. 26)

WHEREAS the June 21, 2016, Scheduling Order in this case sets a Mid-Discovery Status Conference for November 8, 2016, at 9:00 a.m. before The Hon. Jennifer L. Thurston, U.S. Magistrate Judge with a Joint Mid-Discovery Status Conference Report due on November 1, 2016; and

WHEREAS the parties have each requested and have obtained an order from the Superior Court of Kern County, Juvenile Court permitting the parties to obtain copies of the Juvenile Court Records of minor D.M.; and

1 WHEREAS the Kern County Superior Court, Juvenile Court Records have not yet
2 been provided to the parties by the Juvenile Court; and

3 WHEREAS the Juvenile Court records of minor D.M. are needed prior to the
4 commencement of full discovery in this case;

5 WHEREAS the Juvenile Court records were due to counsel from the Juvenile
6 Court on October 27, 2016, and should be received shortly, but none of the attorneys to this
7 matter have yet received them;

8 THEREFORE, the parties by and through their respective counsel of record
9 hereby stipulate to amend the June 21, 2016, Scheduling Order to continue the scheduled
10 November 8, 2016, Mid-Discovery Status Conference with a Joint Mid-Discovery Status
11 Conference Report due on November 1, 2016, to January 3, 2017, at 9:00 a.m. before The Hon.
12 Jennifer L. Thurston, U.S. Magistrate Judge, with a Joint Mid-Discovery Status Conference
13 Report due on December 27, 2016.

14 **IT IS SO STIPULATED:**

15 Dated: October 31, 2016.

WHITE & AMUNDSON, APC

16 By: /s/ Rebecca D. Lack (electronic signature
17 use authorized on October 31, 2016)

18 Rebecca D. Lack

19 Attorneys for Plaintiffs Cynthia Rivera-Martinez and
20 Arturo Martinez

21 Dated: October 31, 2016.

COUNTY OF KERN, COUNTY COUNSEL

22 By: /s/ Kathleen Rivera (electronic signature use
23 authorized on October 31, 2016)

24 Theresa A. Goldner, County Counsel

25 By: Kathleen Rivera, Deputy

26 Attorneys for Defendants Kern County, Kern County
27 Department of Human Services and Social Worker
28 Stephanie Meek

Dated: October 31, 2016.

WEISS·SALINAS LAW GROUP, INC.

By: /s/ Andrew R. Weiss, Esq.

Andrew R. Weiss

Carol A. O'Neil

Attorneys for Defendant Philip Hyden, 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

ORDER

Based upon the stipulation of counsel, the mid-discovery status conference is **CONTINUED** to **January 6, 2016** at 8:30 a.m. No other amendments to the case schedule are authorized.

However, counsel are likely aware that it may be that the Kern County juvenile court does not release the records during the discovery period authorized in this case, either because it simply lacks the time to conduct the in camera review or because it decides not to grant the § 827 petition. Thus, they **SHALL NOT** assume that this Court will extend the discovery period *merely* because the records were not produced timely; indeed, this is quite *unlikely* to occur.

Furthermore, counsel are reminded that any request to amend the discovery deadlines must be supported by good cause which requires counsel to demonstrate diligence in attempting to complete discovery with the deadlines currently in place; the refusal to conduct any discovery until the records are produced would not likely demonstrate good cause. Thus, they are strongly advised not to defer their discovery efforts any further and to redouble their efforts toward completing discovery.

IT IS SO ORDERED.

Dated: October 31, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE