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8 *Napa Executive Director Dolly Matteucci and Dana*  
*White, R.N.*

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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION

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14 **LUCY ATAYDE, Individually and as**  
15 **Successor in Interest of Decedent**  
16 **RICHARD MICHAEL RAMIREZ,**  
17 Plaintiff,

1:16-CV-00398-DAD-SAB

**STIPULATION FOR CONTINUANCE  
OF SCHEDULING CONFERENCE;  
ORDER**

18 v.

19 **NAPA STATE HOSPITAL, STATE OF**  
20 **CALIFORNIA DEPARTMENT OF STATE**  
**HOSPITALS, a public entity, et al,**

21 Defendants.

22  
23 IT IS HEREBY STIPULATED by and between Plaintiff Lucy Atayde, through her  
24 attorneys of record, Defendants California Forensic Medical Group, Inc., Taylor Fithian, M.D.,  
25 Heather Goode, M.D., Sean Ryan, R.N., Deborah Mandujano, R.N., Corina Denning, R.N.,  
26 County of Merced, Tom Cavallero and Jason Goins (the “County Defendants”), through their  
27 attorneys of record, and Defendants California Department of State Hospitals, CDSH Napa  
28 Executive Director Dolly Matteucci and Dana White, R.N. (the “State Defendants”), through their

1 attorneys of record, that the Scheduling Conference scheduled for October 4, 2016, be continued  
2 by approximately sixty (60) days for the foregoing reasons:

3 1. This case was transferred from the Northern District to the Eastern District on or  
4 about March 21, 2016.

5 2. Following the transfer, this case was set forth for a Scheduling Conference on June 7,  
6 2016, which was later continued on the Court's own motion to August 1, 2016.

7 3. On or about April 6, 2016, the County Defendants filed a Motion to Dismiss, and on  
8 or about April 12, 2016, the State Defendants filed a Motion to Dismiss. Those motions came on  
9 for hearing on or about May 17, 2016. The Court took the motions under submission.

10 4. While the Motions to Dismiss were pending, the Scheduling Conference was  
11 continued on the Court's own motion to October 4, 2016.

12 5. The Court issued its ruling on the Motions to Dismiss on September 16, 2016, and  
13 granted the State Defendants' Motion to Dismiss in full and the County Defendants' Motion to  
14 Dismiss in part. However, the Court granted leave to amend. Plaintiff's amended pleading is not  
15 due until October 7, 2016.

16 6. At this time, it is unknown the extent to which Plaintiff will amend her Complaint,  
17 and how the State Defendants and County Defendants will respond to that amended pleading.

18 For the foregoing reasons, the parties stipulate to continue the Scheduling Conference by  
19 approximately sixty (60) days to permit Plaintiff the opportunity to amend her pleading, and  
20 permit the defendants with an opportunity to evaluate any amended pleadings. The parties are  
21 available on the following days for a Scheduling Conference: December 6, 13, and 20.

22  
23 Dated: September 26, 2016

HADDAD & SHERWIN LLP

24  
25 /s/ T. Kennedy Helm  
26 JULIA SHERWIN  
27 MICHAEL HADDAD  
28 T. KENNEDY HELM  
*Attorneys for Plaintiff Lucy Atayde*

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Dated: September 26, 2016

LAW OFFICE OF SANJAY S. SCHMIDT

/s/ Sanjay S. Schmidt  
SANJAY S. SCHMIDT  
*Attorneys for Plaintiff Lucy Atayde*

Dated: September 26, 2016

JEROME M. VARANINI

/s/ Jerome M. Varanini  
JEROME M. VARANINI  
*Attorneys for Defendants California Forensic Medical Group, Inc., Taylor Fithian, M.D., Heather Goode, M.D., Sean Ryan, R.N., Deborah Mandujano, R.N., Corina Denning, R.N., County of Merced, Tom Cavallero and Jason Goins*

Dated: September 26, 2016

Respectfully submitted,  
  
KAMALA D. HARRIS  
Attorney General of California  
PETER A. MESHOT  
Supervising Deputy Attorney General

/s/ Krista J. Dunzweiler  
KRISTA DUNZWEILER  
Deputy Attorney General  
*Attorneys for Defendants Napa State Hospital, California Department of State Hospitals, CDSH Napa Executive Director Dolly Matteucci and Dana White, R.N.*

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**ORDER**

**IT IS HEREBY ORDERED** that the Scheduling Conference scheduled for October 4, 2016 is continued to December 20, 2016, at 3:30 p.m., in Courtroom 9 of the United States District Court, Eastern District, Fresno Division. The parties are to submit their joint statement one week prior to the Scheduling Conference.

IT IS SO ORDERED.

Dated: September 27, 2016



UNITED STATES MAGISTRATE JUDGE