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San Joaquin Community Hospital, Robert
6 *Beehler, Kurt Hoekendorf, Scott Reiner,*
and William Brent Soper
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 UNITED STATES and the STATE OF
11 CALIFORNIA, *ex rel.* THOMAS REILLY,
12 GARRETT LEE, KEVIN SCHMIDT, AND
TERRY HILLIARD,

13 Plaintiffs,

14 v.

15 ADVENTIST HEALTH, *et al.*,

16 Defendants.
17

Case No. 1:17-cv-00613-AWI-SKO

**FOURTH JOINT STIPULATION TO
CONTINUE MANDATORY
SCHEDULING CONFERENCE**

Mag. Judge: Hon. Sheila K. Oberto
Complaint Filed: August 23, 2017
Complaint Unsealed: July 3, 2019
Trial Date: None Set

1 Plaintiffs Thomas Reilly, Garrett Lee, Kevin Schmidt and Terry Hilliard (collectively,
2 (“Plaintiffs”), and Defendants Adventist Health, San Joaquin Community Hospital (“SJCH”),
3 Robert Beehler, Kurt Hoekendorf, Scott Reiner, William Brent Soper and Paul Griffin
4 (collectively, “Defendants”), by and through their counsel of record, respectfully submit this
5 Fourth Joint Stipulation to Continue the Mandatory Scheduling Conference currently set for
6 April 30, 2020 pursuant to the Court’s January 30, 2020 Order re: Third Joint Stipulation to
7 Continue Mandatory Scheduling Conference (Dkt. No. 45).

8 **WHEREAS**, Plaintiffs served Defendants Adventist Health and SJCH with a copy of the
9 First Amended Complaint (“FAC”) on August 20, 2019;

10 **WHEREAS**, Plaintiffs served Defendant Kurt Hoekendorf with a copy of the FAC on
11 August 24, 2019;

12 **WHEREAS**, this Court approved the parties’ Joint Stipulation to Continue the
13 Mandatory Scheduling Conference filed on September 9, 2019, and continued the Mandatory
14 Scheduling Conference to November 26, 2019 (Dkt. No. 33);

15 **WHEREAS**, Defendant Paul Griffin filed his answer to the FAC on September 19, 2019
16 (Dkt. No. 34);

17 **WHEREAS**, Defendants filed a Motion to Dismiss Plaintiffs’ FAC on October 8, 2019
18 (Dkt. No. 35);

19 **WHEREAS**, Plaintiffs’ filed their opposition to Defendants’ motion to dismiss on
20 November 4, 2019 (Dkt. No. 36);

21 **WHEREAS**, this Court approved the parties’ Second Joint Stipulation to Continue the
22 Mandatory Scheduling Conference filed on November 6, 2019, and continued the Mandatory
23 Scheduling Conference to February 20, 2020 (Dkt. No. 38);

24 **WHEREAS**, Defendants filed their reply brief in support of the motion to dismiss on
25 November 11, 2019 (Dkt. No. 39);

26 **WHEREAS**, the November 18, 2019 hearing on Defendants’ motion to dismiss was
27 vacated and taken under submission without oral argument by the Honorable Anthony Ishii (Dkt.
28 No. 40);

1 **WHEREAS**, this Court approved the parties' Third Joint Stipulation to Continue the
2 Mandatory Scheduling Conference filed on January 30, 2020, and continued the Mandatory
3 Scheduling Conference to April 30, 2020 (Dkt. No. 45);

4 **WHEREAS**, the COVID-19 pandemic has led to a public health crisis in the United
5 States, with more than 239,000 reported infections and 5,443 deaths. *See* Centers for Disease
6 Control and Prevention, Coronavirus Disease 2019: Cases in U.S.,
7 <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last visited Apr. 3,
8 2020). In California, where Governor Gavin Newsom has declared a State of Emergency, there
9 have been more than 10,700 reported infections and 237 deaths to date. *See* California
10 Department of Public Health, COVID-19 Updates,
11 <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx> (last visited
12 Apr. 3, 2020);

13 **WHEREAS**, the Eastern District of California has recognized the need to adapt to the
14 unique public health emergency posed by COVID-19. On March 17, 2020, the District issued
15 General Order No. 611, stating that all civil and criminal jury trials in the Eastern District of
16 California scheduled to begin during this time period are continued pending further order of the
17 court.¹ On March 18, 2020, the District issued a second general order, General Order No. 612,
18 announcing that all courthouses of the United States District Court for the Eastern District of
19 California shall be closed to the public, and that all of the courts' civil matters will be decided on
20 the papers, or if the assigned judge believes a hearing is necessary, the hearing will be by
21 telephone or videoconference;²

22 **WHEREAS**, beyond the general cessation of most activity outside of the home, the
23 COVID-19 pandemic poses significant and unprecedented challenges to the United States
24 healthcare system. As cases rise in the United States, hospitals and healthcare providers like
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26 _____
27 ¹ United States District Court for the Eastern District of California, General Order No. 611
(March 17, 2020), <http://www.caed.uscourts.gov/caednew/assets/File/GO%20611.pdf>.

28 ² United States District Court for the Eastern District of California, General Order No. 612
(March 18, 2020), <http://www.caed.uscourts.gov/caednew/assets/File/GO%20612.pdf>.

1 Defendants are on the front lines preparing to face overwhelming medical needs in the weeks
2 and months to come.³

3 **WHEREAS**, in responding to the COVID-19 public health crisis, Defendants have
4 mobilized and redeployed their resources, facilities, and personnel—including in-house
5 attorneys—thereby limiting Defendants’ ability to timely engage in the critical litigation
6 management activity of the current matter.

7 **WHEREAS**, the parties have met and conferred and believe that the Court’s resolution
8 of Defendants’ motion to dismiss may impact discovery and the amount of claims moving
9 forward;

10 **WHEREAS**, the parties have met and conferred and believe it is in the interest of judicial
11 economy to continue the Mandatory Scheduling Conference currently set for April 30, 2020, to
12 July 2, 2020;

13 **NOW, HEREBY, THE PARTIES STIPULATE AND AGREE** that the Mandatory
14 Scheduling Conference shall be continued to July 2, 2020, or to another date convenient for the
15 Court.

16 **IT IS SO STIPULATED AND AGREED.**

17 Dated: April 6, 2020

Respectfully submitted,

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LATHAM & WATKINS LLP

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By: /s/ Jason M. Ohta
Jason M. Ohta

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*Attorneys for Defendants Adventist Health,
San Joaquin Community Hospital,
Robert Beehler, Kurt Hoekendorf,
Scott Reiner and William Brent Soper*

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23 Dated: April 6, 2020

FENTON LAW GROUP, LLP

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By: /s/ Benjamin J. Fenton (as authorized on 4/6/20)
Benjamin J. Fenton

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Attorneys for Defendant Paul Griffin

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28 ³ See Anna Maria Barry-Jester, *A View From The Front Lines Of California’s COVID-19 Battle*,
Kaiser Health News (March 18, 2020), <https://khn.org/news/a-view-from-the-frontlines-of-californias-covid-19-battle>.

1 Dated: April 6, 2020

CLAYPOOL LAW FIRM

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By: /s/ Brian E. Claypool (as authorized on 4/5/20)
Brian E. Claypool

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*Attorneys for Plaintiffs Thomas Reilly,
Garrett Lee, Kevin Schmidt and Terry Hilliard*

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6 Dated: April 6, 2020

MCNICHOLAS & MCNICHOLAS, LLP

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By: /s/ Jeffrey R. Lamb (as authorized on 4/5/20)
Jeffrey R. Lamb

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*Attorneys for Plaintiffs Thomas Reilly,
Garrett Lee, Kevin Schmidt and Terry Hilliard*

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ORDER

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Pursuant to the parties' above stipulation, (Doc. 46), the Mandatory Scheduling
12 Conference currently set for April 30, 2020, is CONTINUED to July 2, 2020, at 10:15 a.m. in
13 Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto. The parties shall file their joint
14 scheduling report by no later than June 25, 2020.

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16 IT IS SO ORDERED.

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Dated: April 6, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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