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6 SHERIFF'S OFFICE, JOHN P. BAILEY,
CAPTAIN EDDIE BALLARD and
7 LIEUTENANT TIM STURM

8
9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA,
11 FRESNO DIVISION

12 COLEMAN PAYNE, an individual,

13 Plaintiff,

14 v.

15 STATE OF CALIFORNIA, a government
entity and state in the United States;
16 DEPARTMENT OF STATE HOSPITALS, a
government agency form unknown;
17 METROPOLITAN STATE HOSPITAL, an
entity form unknown; COUNTY OF
18 CALAVERAS, a government entity in the
State of California; CALAVERAS COUNTY
19 SHERIFF, a governmental agency of unknown
form; CALAVERAS COUNTY JAIL, an
20 entity form unknown; JOHN P. BAILEY, an
individual; JOY LYNCH, an individual;
21 CALIFORNIA FORENSIC MEDICAL
GROUP, a business entity of unknown form
22 located in the State of California; DOES 2
through 50 inclusive,

23 Defendants.
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Case No. 1:17-cv-00906-ADA-SKO

**STIPULATION AND ORDER TO
CONTINUE THE MANDATORY
SETTLEMENT CONFERENCE**

(Doc. 131)

25 IT IS HEREBY STIPULATED by and among Plaintiff COLEMAN PAYNE, Defendants
26 COUNTY OF CALAVERAS, COUNTY OF CALAVERAS SHERIFF'S OFFICE, SERGEANT
27 JOHN BAILEY, CAPTAIN EDDIE BALLARD, LIEUTENANT TIM STRUM (collectively the
28 "County Defendants") and Defendants CALIFORNIA FORENSIC MEDICAL GROUP and JOY

1 LYNCH (collectively the “CFMG Defendants”), through their respective counsel to reschedule the
2 Mandatory Settlement Conference scheduled for October 4, 2022 at 10:00 a.m.:

3 Good cause exists for the continuation of the above date for the following reasons:

4 1. The Calaveras County related Defendants and Plaintiff have made significant
5 progress toward reaching a settlement and are in need of additional time in which to finalize any
6 settlement as Board approval will be required.

7 2. All counsel in this case believe that a continuance of the Mandatory Settlement
8 Conference set for October 4 at 10:00 am to December 13 at 10 am, or the first available date
9 thereafter, will further the interest of judicial economy as it will provide the necessary time to allow
10 for finality as to any settlement reached as to the Calaveras Defendants, and if a settlement is
11 reached, the remaining Mandatory Settlement Conference will be affected such that the time and
12 issues involved will be significantly reduced.

13 For the foregoing reasons, the Parties stipulate and request the Court to continue the
14 Mandatory Settlement Conference scheduled for October 4, 2022 at 10:00 a.m. be continued to
15 December 13, 2022 at 10:00 a.m. with new corresponding dates issued for exchange of offers and a
16 pre-MSC telephonic call with the court.

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18 Dated: September 12, 2022

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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21 By: /s/ Mart B. Oller, IV
 Mart B. Oller IV
22 Attorneys for Defendants COUNTY OF CALAVERAS,
23 CALAVERAS COUNTY SHERIFF’S OFFICE, JOHN
 P. BAILEY, CAPTAIN EDDIE BALLARD and
24 LIEUTENANT TIM STURM

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1 Dated: September 12, 2022

SLATER LAW, APC

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By: /s/ Theodore Slater
Theodore Slater
Attorneys for Plaintiff COLEMAN PAYNE

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6 Dated: September 12, 2022

THE LAW OFFICES OF JEROME M. VARNINI

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By: /s/ Jerome Varnini
Jerome Varnini
Attorneys for Defendants JOY LYNCH and
CALIFORNIA FORENSIC MEDICAL GROUP

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ORDER

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FOR GOOD CAUSE SHOWN, the foregoing request to continue the Settlement Conference
13 scheduled for October 4, 2022 at 10:00 a.m. set forth herein requested by stipulation of the parties
14 (Doc. 131) is GRANTED. The Settlement Conference is hereby **continued to January 19, 2023,**
15 **at 10:00 AM** before Magistrate Judge Sheila K. Oberto. A written order regarding settlement
16 conference procedures will follow.

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19 IT IS SO ORDERED.

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Dated: **September 14, 2022**

 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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