

1 **JEFF DOMINIC PRICE | SBN 165534**

2 2500 Broadway, Suite 125

3 Santa Monica, CA 90404

4 T: (310) 451-2222

5 e-mail: jeff.price@icloud.com

6 **Sanjay S. Schmidt | SBN 247475**

7 **LAW OFFICE OF SANJAY S. SCHMIDT**

8 1388 Sutter Street, Suite 810

9 San Francisco, CA 94109

10 T: (415) 563-8583

11 F: (415) 223-9717

12 e-mail: ss@sanjayschmidtlaw.com

13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**

15 **JOHN SCALIA**, individually and as  
16 successor-in-interest of Decedent

17 **KIMBERLY MORRISSEY-SCALIA**,

18 Plaintiff,

19 v.

20 **COUNTY OF KERN**, a municipal  
21 corporation, **KERN COUNTY**  
22 **HOSPITAL AUTHORITY**, a public  
23 entity and/or agency of the COUNTY OF  
24 KERN, Kern County Sheriff **DONNY**  
25 **YOUNGBLOOD**, Kern County Sheriff's  
26 Sergeant **JOEL SWANSON**, Kern County  
27 Sheriff's Detention Deputies **RANDI**  
28 **ALLEN** and **MISTY MILLER**, Kern  
County Hospital Authority Staff Nurse  
**ROWENA P. BLAKELY**, R.N., and  
DOES 1-100, Jointly and Severally,

Defendants.

No. 1:17-cv-01097-LJO-JLT

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME FOR  
COUNTY OF KERN DEFENDANTS TO  
FILE ANSWER TO PLAINTIFF'S  
COMPLAINT, AND TO EXTEND TIME  
FOR SERVICE ON INDIVIDUAL  
COUNTY EMPLOYEES**

(Doc. 9)

Defendants COUNTY OF KERN ("COUNTY" or "County"), DONNY YOUNGBLOOD,  
JOEL SWANSON, RANDI ALLEN, and MISTY MILLER (collectively referred to as the  
"County Defendants") and Plaintiff JOHN SCALIA, through their respective counsel, hereby

1 respectfully stipulate under Local Rule 144(a) to an extension of time – up to and including  
2 December 1, 2017 – for the County Defendants to file a joint Answer to Plaintiff’s complaint.  
3 The undersigned counsel for Plaintiff represents to the Court that, based on an email from – and  
4 telephone call with – Mr. Fontes today (11/13/17), County Defendants will be represented by:

5 Scott Fontes  
6 Deputy County Counsel  
7 Office of County Counsel, Kern County  
8 1115 Truxtun Avenue, Fourth Floor  
9 Bakersfield, CA 93301  
10 Phone: (661) 868-3836  
11 Fax: (661) 868-3805  
12 Email: sfontes@cc.kerncounty.com

13 The COUNTY OF KERN was served on October 25, 2017, rendering the COUNTY’s  
14 answer due on November 15, 2017. The undersigned counsel for Plaintiff has been in  
15 communication with the Office of Counsel for Kern County regarding acceptance of service on  
16 behalf of the County employees; counsel spoke to Mark Nations, County Counsel, on October 25,  
17 2017, in which Mr. Nations indicated service would likely be accepted on the employees’ behalf,  
18 but he needed to speak to the employees formally to confirm this. This conversation was followed  
19 up and confirmed that day with an email, which included Dkts. 1, 2, 4, 4-1, 4-2, and 4-3, all of the  
20 documents that need to be served. A follow-up email was sent, inquiring as to the status, on  
21 October 31, 2017. A response was received by Mr. Nations on November 6, 2017, indicating he  
22 had not yet heard back, but that the request had been forwarded to the Chief of Litigation, Charles  
23 Collins. He also indicated in this email that “[a]ccepting service is usually not an issue[.]”

24 Today, the undersigned counsel for Plaintiff spoke to Mr. Scott Fontes, who will be  
25 representing the County Defendants; counsel met-and-conferred and jointly agreed to the  
26 stipulated extensions that are requested herein. The defense of the County and its employees was  
27 assigned by Mr. Collins to Mr. Fontes on November 8, 2107. Mr. Fontes has sent  
28 correspondence to each of the individually named County defendants, advising them of the  
lawsuit and their right to a defense by the Office of County Counsel. Mr. Fontes has not yet  
heard back from the individually named County defendants, but will seek a waiver of service

1 from each them, in order to jointly respond to the complaint on behalf of all County defendants  
2 on or before December 1, 2017.

3 Accordingly, the parties agree that there is good cause to extend the 90-day period for  
4 service set by Fed. R. Civ. P. 4(m). Plaintiff and the County Defendants, thus, further stipulate to  
5 an extension of 30-days for service to be either accepted by counsel or effected on the individual  
6 County employees, DONNY YOUNGBLOOD, JOEL SWANSON, RANDI ALLEN, and  
7 MISTY MILLER, which extends the current deadline by 30-days.

8 There have been no previous extensions of time for the filing of an Answer or for service  
9 to be effected.

10 Dated: November 13, 2017

Respectfully Submitted,

**JEFF DOMINIC PRICE**

-and-

**LAW OFFICE OF SANJAY S. SCHMIDT**

/s/ Sanjay S. Schmidt

SANJAY S. SCHMIDT

Attorneys for Plaintiff

16 Dated: November 13, 2017

Respectfully Submitted,

**SCOTT FONTES**

Deputy County Counsel

Office of County Counsel, Kern County

/s/ Scott Fontes\*

SCOTT FONTES

Attorneys for County of Kern Defendants

26 \_\_\_\_\_  
27 \* Counsel gave his permission to affix his electronic signature to this Stipulation and Proposed  
28 Order, on November 13, 2017.

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**[PROPOSED] ORDER**

Based upon the stipulation of counsel (Doc. 9), the Court **GRANTS** the request to allow the County defendants to respond to the complaint by December 1, 2017.

IT IS SO ORDERED.

Dated: November 13, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE