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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12

13 **JOHN SCALIA**, individually and as
successor-in-interest of Decedent
14 **KIMBERLY MORRISSEY-SCALIA**,

15 Plaintiff,

16 v.

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

25 Defendants.

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

27 **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**

28 **(Doc. 9)**

29 Defendants **COUNTY OF KERN** ("COUNTY" or "County"), **DONNY YOUNGBLOOD**,
30 **JOEL SWANSON**, **RANDI ALLEN**, and **MISTY MILLER** (collectively referred to as the
31 "County Defendants") and Plaintiff **JOHN SCALIA**, through their respective counsel, hereby
32

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
Phone: (661) 868-3836
Fax: (661) 868-3805
Email: sfontes@cc.kerncounty.com

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

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

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12 **JEFF DOMINIC PRICE**
13 -and-
14 **LAW OFFICE OF SANJAY S. SCHMIDT**

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16 */s/ Sanjay S. Schmidt*
17 SANJAY S. SCHMIDT
18 Attorneys for Plaintiff

19 Dated: November 13, 2017

Respectfully Submitted,

20
21 **SCOTT FONTES**
22 Deputy County Counsel
23 Office of County Counsel, Kern County

24
25 */s/ Scott Fontes**
26 SCOTT FONTES
27 Attorneys for County of Kern Defendants

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

[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