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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

DANA SMITHEE, "E.M.", a minor, by and through her guardian ad litem, JENNIFER MONTES, **Plaintiffs,** v. **RHONDA LITT-STONER, PRATAP NARAYAN, MD., JENNIFER SEYMOUR, KELLY NESSON, PhD, KARIN CELOSE and Does 1 through 200,** **Defendants**.	CASE NO. 1:19-cv-00004-LJO-JLT **DEFENDANT PRATAP NARAYAN, M.D.'S OPPOSITION TO REQUEST FOR ENTRY OF DEFAULT; REQUEST FOR ADDITIONAL TIME TO RESPOND TO SECOND AMENDED COMPLAINT; DECLARATION OF JEFFREY E. BEESON; ~~PROPOSED~~ ORDER** (Doc. 35)

Defendant PRATAP NARAYAN, M.D. ("Narayan") hereby opposes the request for entry of default and requests additional time to respond to the second amended complaint. This opposition and request are based on the supporting Declaration of Jeffrey E. Beeson and all documents filed with this court.

I, JEFFREY E. BEESON, hereby declare and state as follows:

1. I am an attorney licensed to practice before this court and the courts of the State of California. I am one of the attorneys for Defendant Narayan in the above captioned case.

-1-

DEFENDANT PRATAP NARAYAN, M.D.'S OPPOSITION TO REQUEST FOR ENTRY OF DEFAULT; REQUEST FOR ADDITIONAL TIME TO RESPOND TO SECOND AMENDED COMPLAINT; DECLARATION OF JEFFREY E. BEESON

2. This declaration is based upon my personal knowledge and, if called as a witness, I could competently testify to the matters stated herein.

3. On July 29, 2019 our law firm Beeson Terhorst LLP first learned of this case against Narayan. On that date we were first retained to represent Narayan. On July 29, 2019 we first received a request for representation from Narayan through the Office of Legal Affairs of the California Department of Corrections and Rehabilitation (CDCR) and agreed to represent Narayan.

4. On July 29, 2019 we also learned that Plaintiffs had filed a July 26, 2019 request for entry of default of Narayan (ECF 33); on July 3, 2019 Narayan had been subject to substitute service at an address of record with the Medical Board of California; and Proof of Service of the summons was filed July 17, 2019. (ECF 31 at 2)

5. On July 29,2019 I communicated with Plaintiff's counsel Markus Willoughby by telephone and email. I advised of our recent retainer to represent Narayan and sought agreement for a stipulation to set aside or withdraw the request for entry of default and allow time for us to familiarize ourselves with the case and file a response to the second amended complaint on or before August 15, 2019. Mr. Willoughby responded that this was his "Law Partner's case", Mr. Brod, and he forwarded my request to Mr. Brod.

6. Later that evening of July 29, 2019 Mr. Willoughby further advised in an email that Mr. Brod was on vacation this week of July 29, 2019.

7. In order to avoid any delay in addressing the request for entry of default we have filed this opposition and request for additional time for response to the second amended complaint (ECF 26) without the benefit of direct communication with Mr. Brod.

8. This request is made in good faith, not for delay, will not prejudice Plaintiffs and is based on good cause.

I declare under penalty of perjury under the laws of the State of California and of the United States of America, that the foregoing is true and correct.

Executed in Santa Rosa, California this 30th day of July,2019,

/s/ Jeffrey E. Beeson
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JEFFREY E. BEESON

-2-
DEFENDANT PRATAP NARAYAN, M.D.'S OPPOSITION TO REQUEST FOR ENTRY OF DEFAULT; REQUEST FOR ADDITIONAL TIME TO RESPOND TO SECOND AMENDED COMPLAINT; DECLARATION OF JEFFREY E. BEESON

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[~~PROPOSED~~] ORDER

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Good cause appearing, the Plaintiff's request for entry of default of Defendant

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PRATAP NARAYAN, M.D. is DENIED. Defendant PRATAP NARAYAN, M.D.'s request for

additional time to respond to the second amended complaint is GRANTED. He SHALL file a

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responsive pleading no later than August 15, 2019.

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IT IS SO ORDERED.

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Dated: __**July 31, 2019**__   ____**/s/ Jennifer L. Thurston**____
                                         UNITED STATES MAGISTRATE JUDGE

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