

1 **DEMAS & ROSENTHAL, LLP**
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5 Attorney for Plaintiff

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 7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 LAURA HEBERT-TORRES,
 13
 14 Plaintiff,

15 vs.

16 OROVILLE HOSPITAL; DAVID
 17 HALL, M.D.; DOUG EDGAR,
 18 P.A.; MARK T. HEINRICH, M.D.;
 19 STEVEN A. GREENBERG, M.D.;
 20 ARDAUAN AFRASIABI, M.D.;
 21 DOMINIQUE ENGEL, M.D.;
 22 NORTH STATE IMAGING;
 23 CRAIG LETMER, M.D.; DEL
 24 NORTE CLINICS, INC.; MOLLY
 25 AMICK, FNP; and DOES 1 through
 26 100 inclusive,
 27
 28 Defendants.

Case No. 2:09-CV-03495 KJM-CMK

Case No. 2:11-cv-01048 KJM-CMK
 (against defendant USA only)

STIPULATION RE
 CONSOLIDATION AND JOINDER
 OF CASES

1 The undersigned, on behalf of their respective parties to this litigation,
2 hereby stipulate to the following:
3

4 1. There is currently pending in the United States District Court For The
5 Eastern District Of California, two medical malpractice actions which
6 both involve substantially similar issues of law and fact.
7

8 2. Case No. 2:09-CV-03495 JAM CMK is asserted against defendants:
9 OROVILLE HOSPITAL; DAVID HALL, M.D.; DOUG EDGAR,
10 P.A.; MARK T. HEINRICH, M.D.; STEVEN A. GREENBERG, M.D.;
11 ARDAUAN AFRASIABI, M.D.; NORTH STATE IMAGING; CRAIG
12 LETMER, M.D.. Defendant DOMINIQUE ENGEL, M.D. was already
13 dismissed from this proceeding.
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16 3. Case No. 2:11-cv-01048-MCE-GGH is asserted against defendant
17 UNITED STATES OF AMERICA, regarding the care and treatment
18 provided by Molly Amick, F.N.P. and Del Norte Clinics, Inc.
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20 4. Since the liability issues, medical issues, causation issues and damage
21 allegations are substantially similar in both cases, and involve the same
22 alleged injuries to the same plaintiff, the parties herein agree that it is in
23 the interest of fairness and judicial economy that both actions be joined
24 and consolidated for all purposes, including all trial deadlines;
25 discovery; discovery scheduling; and for trial.
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5. It is further agreed that this stipulation may be executed in subparts, and that a fax transmission signature shall constitute an original signature for purposes of effectuating this stipulation.

IT IS SO STIPULATED

DATED: June __, 2011

DEMAS & ROSENTHAL, LLP

BY: /s/ Steven H. Schultz (as authorized by Steven H. Schultz on 6/15/11)

STEVEN H. SCHULTZ
Attorney for Plaintiff

DATED: June __, 2011

WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP

BY: /s/ Donald Lounsbury (as authorized by Donald Lounsbury on 6/15/11) _____

DONALD LOUNSBURY
Attorney for Doug Edgar, PA;
David Hall, M.D.; Mark Heinrich, M.D.; Ardaun Afrasiabi, M.D.
Oroville Hospital

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DATED: June __, 2011

WASHINGTON & HEITHECKER

BY: /s/ Tahj E. Gomes (as authorized
by Tanya Butterfield on 6/15/11)

Tahj E. Gomes, Esq.
Attorney for Craig Letner, M.D.;
North State Imaging

DATED: June __, 2011

SHEUERMAN, MARTINI & TABARI

BY: /s/ James J. Zenere (as authorized
by Julia Nichols on 6/15/11)

JAMES J. ZENERE
Attorney for Steven Greenberg,
M.D.

DATED: June __, 2011

UNITED STATES DEPARTMENT OF
JUSTICE

BY: /s/ Edward A. Olsen (as
authorized by Edward A. Olsen on
6/15/11)

EDWARD A. OLSEN
Attorney for U.S.A.

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ORDER

The court, having reviewed the above stipulation of the parties and for good cause hereby approves this stipulation and orders that these cases – 09-3495 KJM-CMK and 11-1048 KJM-CMK – be consolidated and joined for all purposes. Furthermore, the court orders that from the time of this order through the conclusion of this case, the appropriate case number for the consolidated action shall be 2:09CV3495 KJM-CMK for all purposes, and shall be used from this point forward.

IT IS SO ORDERED.

Dated: June 17, 2011.


UNITED STATES DISTRICT JUDGE