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20 THE UNITED STATES DISTRICT COURT FOR
 21 THE EASTERN DISTRICT OF CALIFORNIA

22 Z.F, a minor, by and through his parents)
 23 M.A.F and J.F. and M.A.F. and J.F.)
 24 individually; L.H., and J.H., minors, by and)
 25 through their parents J.A. and J.R.H. and J.A.)
 26 and J.R.H. individually; A.N., a minor, by and)
 27 through his parents, G.N. and M.R., and G.N.)
 28 and M.R. individually,)

29 Plaintiffs, on behalf of themselves)
 30 and all others similarly situated)

31 v.)

32 RIPON UNIFIED SCHOOL DISTRICT)
 33 (RUSD); RIPON UNIFIED SCHOOL)
 34 DISTRICT BOARD OF TRUSTEES; SAN)
 35 JOAQUIN COUNTY OFFICE OF)
 36 EDUCATION; VALLEY MOUNTAIN)
 37 REGIONAL CENTER (VMRC), MODESTO)
 38 CITY SCHOOLS, MODESTO CITY)
 39 SCHOOLS BOARD OF EDUCATION,)
 40 RICHARD JACOBS, Executive Director of)
 41 VMRC, in his official and individual capacity,)
 42 TARA SISEMORE-HESTER, Coordinator for)
 43 Autism Services for VMRC, in her official and)
 44 individual capacity; VIRGINIA JOHNSON,)
 45 Director of Modesto City Schools SELPA, in)
 46 her official and individual capacity; SUE)

CASE NO. 2:10-CV-00523-GEB-JFM

**REQUEST AND STIPULATION TO
 CONTINUE THE DATE FOR ADDING
 ‘DOE’ DEFENDANTS AND CLASS
 CERTIFICATION; [PROPOSED] ORDER
 ATTACHED**

Date:

Time:

Courtroom: 10

Judge: Honorable Garland E. Burrell Jr.

1 SWARTZLANDER, Program Director for)
2 Modesto City Schools, in her official and)
individual capacity and Does 1 – 200.)

3)
4 Defendants.)
5)
6)

7 VALLEY MOUNTAIN REGIONAL)
8 CENTER, RICHARD JACOBS and TARA)
SISEMORE-HESTER)

9 Counterclaimants,)
10)

11 v.)

12 M.A.F. and J.A., SPECIAL NEEDS)
13 ADVOCATES FOR UNDERSTANDING,)
and AUTISM REFORM CALIFORNIA)

14 Counterdefendants.)
15)

16 **STIPULATION AND REQUEST TO CONTINUE THE DATE TO AMEND**
17 **THE COMPLAINT TO ADD DOE DEFENDANTS AND TO MOVE FOR CLASS**
18 **CERTIFICATION**

19 The parties in the above captioned case hereby stipulate to continue the date to Amend
20 the complaint to name “doe” defendants and move for Class Certification in this case from **April**
21 **16, 2012¹ to June 18, 2012**. The reason for this stipulation and request is due to Plaintiffs’
22 counsel’s serious medical condition, stage IV colon cancer. Ms. Loughrey’s cancer has
23 continued to spread which has affected her ability to work due to changes in treatments and side
24 effects from the treatments. See attached Loughrey declaration and her doctor’s letter for more
25 information regarding her health situation. Although Plaintiffs were able to bring on new co-

26 _____
27 1 The original date for the naming of the “doe” defendants was December 28, 2011 pursuant to
28 the court’s September 29, 2011 order. The motion for class certification was set for April 16,
2012 pursuant to the same order. This is the second extension for the ‘doe’ defendants
amendment but the first extension for the class certification motion.

1 counsel in late January 2012, Ms. Loughrey and the new counsel have not had any time to make
2 a smooth transition in the case. Additionally, the parties have recently engaged in discovery
3 regarding the doe defendants and the class certification motions. Accordingly, the parties set
4 forth the following schedule for the pending discovery and motions:

- 5
- 6 1. Plaintiffs' response to VMRC's discovery requests are due on April 30, 2012, and
7 Plaintiffs shall serve no further discovery on VMRC until Plaintiffs respond to these
8 discovery requests;
- 9 2. All Defendants' responses to Plaintiffs' discovery requests are due on May 15, 2012;
- 10 3. Plaintiffs' Motions for Class Certification and Doe Defendant Amendments are due
11 on June 18, 2012;
- 12 4. Defendants' Responses/Oppositions to the Motions for Class Certification and Doe
13 Defendants are due on August 2, 2012;
- 14 5. Plaintiffs' Reply is due on August 16, 2012;
- 15

16 This schedule anticipates that the parties will continue to make every effort to cooperate through
17 the discovery process. However, no party waives the right to bring motions to compel or petition
18 the court for additional time on the pending motions should an unexpected discovery dispute
19 arise.

20
21 DATED: March 9, 2012

/s/ Tamara Loughrey
Tamara Loughrey
Attorney for Plaintiffs and
Counterdefendants

22
23
24
25 DATED: March 9, 2012

/s/ Jay T. Jambeck
MANDY LEIGH
JAY T. JAMBECK
Attorney for Plaintiffs and
Counterdefendants

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DATED: March 9, 2012

/s/ Rod Levin
Rod Levin
Attorney for Ripon Unified School
District Defendants

DATED: March 9, 2012

/s/ Cassandra Carroll
G. Daniel Newland
Cassandra Carroll
Attorneys for Valley Mountain
Regional Center Defendants and
Counterclaimants

DATED: March 9, 2012

/s/ Michelle Cannon
Michelle Cannon
Attorney for Modesto City Schools
Defendants

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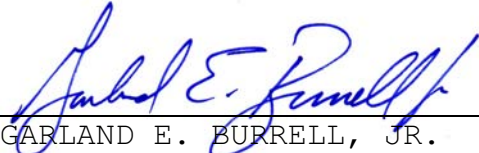
[PROPOSED] ORDER

Based on Plaintiffs’ counsel’s medical necessity and the parties’ stipulation, good cause appearing therefore,

- 1. The April 16, 2012 date to amend the complaint to add ‘Doe’ defendants and move for Class Certification is vacated.
- 2. Plaintiffs’ Motions for Class Certification and Doe Defendant Amendments are due on June 18, 2012;
- 3. Defendants’ Responses/Oppositions to the Motions for Class Certification and Doe Defendants are due on August 2, 2012;
- 4. Plaintiffs’ Reply is due on August 16, 2012;
- 5. Oral argument is scheduled to commence at 9:00 a.m. on September 10, 2012.

It is so ordered.

DATED: March 15, 2012



GARLAND E. BURRELL, JR.
United States District Judge