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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DOE, a minor

Case Number: 2:11-CV-01767-JAM-
JFM

Plaintiff,

STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
COMPLETION OF DISCOVERY
AND EXPERT WITNESS
DISCLOSURES

vs.

US Dist. Ct. Eastern Dist. CA Rule
143

SACRAMENTO DEPARTMENT OF
HEALTH AND HUMAN SERVICES
-CHILD PROTECTIVE SERVICES OF
SACRAMENTO COUNTY, and DOES
I through XXXV, inclusive.

Defendants.

Pursuant to Local Rule 143, the parties to the within action, by their respective
counsel, hereby stipulate to extend the time within which to complete discovery and
for all expert witness disclosures.

The Court has granted one prior Stipulation for Extension of time for Expert
Witness Disclosures and Discovery Completion Date which was filed by the parties

1 on January 11, 2013.

2 At all times through this litigation, the parties have diligently pursued written
3 discovery and have made significant document exchanges. The defense has
4 provided Plaintiff with over 3,000 pages of written discovery.
5

6 The parties have completed depositions of the minor Plaintiff's parents, one of
7 two foster parents where the placement of the minor was in effect at the time of his
8 burn injuries, as well as the two social workers who inspected the residence of, and
9 interviewed the, foster parents prior to the placement. The Plaintiff has submitted to
10 the requested defense IME; but, the report is not yet available.
11

12 Plaintiff has noticed the deposition of one of defendant's Kinship Unit's
13 supervisors for April 25, 2013, in order to obtain further information as to policies, and
14 implementation of same, as relevant to this action.

15 Nevertheless, the parties will not be able to complete discovery, and will not
16 be able to make complete and knowing expert disclosures, as currently calendared,
17 for the following reasons:
18

19 Despite significant, good faith, efforts of the defense, a deposition subpoena
20 has yet to be served on the foster parent (Fernando Ramirez, a NREFM) who was
21 present when Plaintiff suffered his burn injuries. Mr. Ramirez, as an eye and/or ear,
22 witness to the events which resulted in the burn injuries, is a material witness to this
23 action for both sides.
24

25 Additionally, the parties have discussed conducting Mediation prior to filing of
26 various Motions and hiring of experts. Plaintiff will be filing a Motion to Amend,
27 seeking leave to name one or more employees of CPS as Defendants to the action.
28

1 Absent settlement, Defendant has advised that it will file a Motion for Summary
2 Judgment. Such a Motion will be opposed.
3

4 An extension, as Stipulated here, will permit the parties to fully complete
5 discovery, gain further information as to case value, and increase the potential for
6 conducting Mediation and reaching settlement.

7 At this time, the parties do not seek extension of the dates for Final Pretrial
8 Conference or Trial.
9

10 Therefore, the parties jointly propose setting the following deadlines as
11 follows:

12 **Initial Disclosure of Expert Witnesses:**

13 Proposed new deadline: July 8, 2013 (current deadline - April 30, 2013)
14

15 **Disclosure of Supplemental and Rebuttal Expert Witnesses:**

16 Proposed new deadline: July 15, 2013 (current deadline – May 7, 2013)
17

18 **Discovery Completion:**

19 Proposed new deadline: September 1, 2013 (current deadline – July 1,
20 2013)

21 WHEREAS, this Stipulation, and requests contained therein, are not being
22 made for purposes of delay, or any other improper purpose; and

23 WHEREAS, continuing the deadlines for completing discovery and for
24 disclosure of expert witnesses will not prejudice either party or have negative impact
25 upon the judicial administration of this Court;

26 THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and
27
28

1 Defendant, through their respective attorneys of records, that this Court may continue
2 the deadlines as requested and set forth above.
3

4 IT IS SO STIPULATED:

5
6 DATED: April 5, 2013

7 /s/
8 RICHARD A. FRISHMAN, CSB # 059383
9 Attorney for Plaintiff
10 e-mail: richardfrishman@yahoo.com

11
12 DATED: April 5, 2013

13 LONGYEAR, O'DEA, & LAVRA, LLP, by:

14 /s/
15 JOHN A. LAVRA, CSB #114533
16 Attorney for Defendants
17 e-mail: lavra@longyearlaw.com
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1 **ORDER ON STIPULATION**

2 Pursuant to Stipulation, IT IS HEREBY ORDERED THAT:

3 Initial Expert Disclosure date in this action is continued to: July 8, 2013

4 Supplemental and Rebuttal Expert Witness Disclosure date in this action is
5 continued to: July 15, 2013

6 Discovery completion date in this action is continued to: September 1, 2013.

7 SO ORDERED: 4/8/2013

8 /s/ John A. Mendez
9 THE HONORABLE JOHN A. MENDEZ
10 United States District Court Judge