

1 BENJAMIN B. WAGNER  
United States Attorney  
2 GREGORY T. BRODERICK  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

5 Attorneys for the United States  
6

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

9 LINDA McDONOUGH

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA

13 Defendants  
14

CASE NO. 2:14-cv-01252-GEB-CMK

**STIPULATION and [PROPOSED]  
ORDER TO CONTINUE INITIAL  
STATUS CONFERENCE AND JOINT  
SCHEDULING REPORT**

15 This is a Federal Tort Claims Act (“FTCA”) medical malpractice action. The Complaint in  
16 this matter was filed May 21, 2014. (Dkt. No. 1). This Court issued its standard new case order the  
17 following day. (*See* Order Setting Status (Pretrial Scheduling) Conference, Dkt. No. 3). In that  
18 Order, the Court set a Scheduling Conference for September 15, 2014, and ordered a Joint Status  
19 Report to be filed by September 1, 2014. (*See id.* at ¶¶ 1 & 6). The Scheduling Conference was  
20 continued to November 10, 2014, by stipulation and order of this Court, making the Joint Status  
21 Report due October 27, 2014. (Dkt. No. 7)

22 The United States has since filed a motion to dismiss set for November 3, 2014, contending  
23 that Plaintiff’s claims are barred by 28 U.S.C. § 2401(b), the FTCA’s statute of limitations. (Dkt.  
24 No. 8). Plaintiff has opposed the motion (Dkt. No 8), and the United States’ reply brief is due  
25 October 27, 2014—the same day as the Joins Status Report is currently due. Given the dispositive  
26 nature of the motion, the parties agree that it would be more efficient for the Court to resolve this  
27 threshold issue before further proceedings in the case, and that the initial scheduling conference and  
28 Joint Status Report should be continued until after such resolution.

1           Therefore, the parties stipulate to continue the status conference to December 15, 2014, with  
2 the Joint Status Report due fourteen days before the hearing. Counsel for Plaintiff has a trial  
3 beginning November 24, 2014, and hearings set in Alameda county and Yuba on December 1, and  
4 the parties thus request that the Court not set the conference until after those dates.

5 Respectfully submitted,

6 DATED: October 16, 2014

BENJAMIN B. WAGNER  
United States Attorney

7  
8 By: /s/ Gregory T. Broderick  
9 GREGORY T. BRODERICK  
Assistant U.S. Attorney

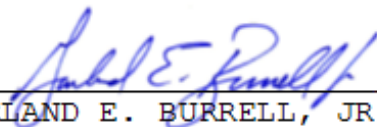
10 DATED: October 16, 2014

11 By: /s/ Dennis B. Hill (auth. on 10/15/2014)  
12 DENNIS B. HILL  
Attorney for Plaintiff

13  
14 **PROPOSED ORDER**

15 IT IS SO ORDERED.

16 Dated: October 16, 2014

17  
18   
19 GARIAND E. BURRELL, JR.  
Senior United States District Judge