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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.
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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). The Court dismissed Plaintiff’s claim with leave to
17 amend on November 20, 2014 (Dkt. No. 15). Plaintiff filed an amended complaint on February 17,
18 2015. (Dkt. No. 22). After vacating previous dates, the Court also set a status conference on March
19 23, 2015, at 9:00 a.m., and ordered a joint status report to be filed fourteen (14) days before the status
20 conference. (Dkt. No. 20).¹ On March 2, 2015, the United States filed a motion to dismiss Plaintiff’s
21 First Amended Complaint (Dkt. No. 23), which was set for March 30, 2015. The Court submitted
22 that matter without argument on March 25, 2015. (Dkt. No. 29). The Court continued the previously
23 scheduled March 23, 2015, status conference upon stipulation of the parties, in light of the pending
24 motion. (See Dkt. No. 26).

25 Given the dispositive nature of the pending motion, the parties agree that it would be more
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27 ¹ There is also a pending Order to Show Cause, (see Dkt. No. 20), to which Plaintiff has responded. (See Dkt. No. 21).
28 The matter has not yet been discharged.

1 efficient for the Court to resolve the pending motion to dismiss before setting a schedule or engaging
2 in other proceedings, and that the initial scheduling conference and Joint Status Report should be
3 continued until after such resolution. Therefore, the parties stipulate to continue the status
4 conference approximately 90 days, to September 21, 2015, at 9:00 a.m. The parties will file a status
5 report 14 days before the status conference if the matter is still pending at that time.

6 Respectfully submitted,

7 DATED: June 4, 2015

BENJAMIN B. WAGNER
United States Attorney

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

11 DATED: June 4, 2015

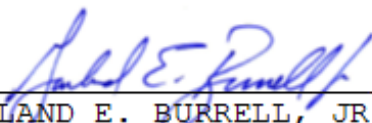
12 By: /s/ Dennis B. Hill (June 4, 2015)
13 DENNIS B. HILL
Attorney for Plaintiff

1 **PROPOSED ORDER**

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3 The pretrial scheduling conference is rescheduled for October 26, 2015, at 9:00 a.m. A joint
4 status report shall be filed fourteen days prior to the hearing.

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6 IT IS SO ORDERED.

7 Dated: June 5, 2015

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11 GARLAND E. BURRELL, JR.
12 Senior United States District Judge
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