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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
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).

20 The United States was substituted as the sole defendant on July 10, 2014 (Dkt. Nos. 5-6), and
21 the United States Attorneys’ Office was served on August 18, 2014. Pursuant to Federal Rule of
22 Civil Procedure 4(i), the United States’ responsive pleading is due October 16, 2014. The United
23 States contends that Plaintiff’s claims are barred by 28 U.S.C. § 2401(b), and plans to file a motion
24 to dismiss on this ground before October 16, 2014.¹ The parties agree that it would be most efficient
25 for the Court to resolve this threshold issue before further proceedings in the case, and that the initial
26

27 ¹ The United States plans to file this motion so that it may be heard at the Court’s next available hearing date,
28 which the United States understands to be November 3, 2014. If an earlier hearing date becomes available,
the United States would prefer to file its motion for such earlier date and is prepared to do so.

1 scheduling conference and joint status report hearing should be continued until after such resolution.

2 Therefore, the parties stipulate to continue the status conference to November 10, 2014. A
3 joint status report shall be filed fourteen days prior to the hearing. Counsel for Plaintiff has a trial
4 beginning November 24, 2014, and another trial the following week, and therefore requests that the
5 Court not set the conference during those trials.

6 Respectfully submitted,

7 DATED: August 26, 2014

BENJAMIN B. WAGNER
United States Attorney

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

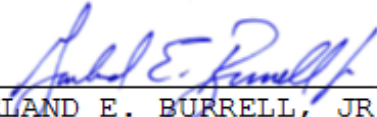
11 DATED: August 26, 2014

12 By: /s/ Dennis B. Hill (auth. 8/26/2014)
13 DENNIS B. HILL
Attorney for Plaintiff

PROPOSED ORDER

IT IS SO ORDERED.

Dated: August 27, 2014



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

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