

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN T. CARIDAD,

 Petitioner,

 v.

NORM KRAMER,
Acting Executive Director,
Napa State Hospital,

 Respondent.

No. 2:14-cv-1847 KJM AC P

ORDER

Multiple matters in this case were heard on this court’s regular law and motion calendar on January 9, 2019. Marylou Hillberg appeared for petitioner; David Eldridge appeared for respondent; Kenneth L. Rosenfeld appeared personally with his counsel, Allen Sawyer. The background and procedural posture of this case are familiar to the parties and need not be recited here. For the reasons stated on the record at the hearing, the court rules as follows:

- 1. Petitioner’s motion for an Order to Show Cause re Civil Contempt, ECF No. 129, is DENIED;
- 2. Petitioner’s request for judicial notice, ECF No. 139, is DENIED;
- 3. Petitioner’s requests for further discovery, ECF Nos. 127, 136, 138, are GRANTED IN PART as specified below and otherwise DENIED;
- 4. Petitioner is authorized to issue subpoenas duces tecum to Gregory Sokolov, M.D.,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Stacy Correa, and Lisa Gara for the complete digital and/or paper files of their work in relation to Mr. Caridad’s MDO status and recommitments, for the period of January 1, 2013 through June 30, 2017, including billing records if any;

- 5. The Clerk of Court is directed to immediately issue to petitioner’s counsel three (3) subpoenas duces tecum forms, signed but otherwise blank, pursuant to Fed. R. Civ. P. 45(a)(3).
- 6. Petitioner’s expert report shall be disclosed to respondent no later than March 11, 2019;
- 7. The evidentiary hearing regarding equitable tolling, see ECF No. 98, is hereby SET for April 8, 2019 at 9:00 a.m. in Courtroom 26.

IT IS SO ORDERED.

DATED: January 9, 2019



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE