

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 MERCEDES PADILLA,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS & REHABILITATION;
16 DIVISION OF JUVENILE JUSTICE;
17 STATE OF CALIFORNIA;
18 DEPARTMENT OF YOUTH
19 AUTHORITY; DAN VALDEZ; ERIN
20 BROOK; and DONNIE ALEXANDER,

21 Defendants.
22

No. 2:15-cv-02509-JAM-CKD

ORDER

23 The Court recently learned from defense counsel that
24 Plaintiff Mercedes Padilla's attorney, Daniel Mitchell, has died.
25 After receiving Plaintiff's contact information from defense
26 counsel, the Court contacted Padilla to inquire whether she knew
27 her attorney had passed and whether she wanted to continue with
28 this litigation.

Padilla indicated that she knew her attorney had passed and
that he died before her deposition. Padilla also indicated that,
on December 30, 2016, she spoke with her attorney's investigator.

1 During that conversation, Padilla learned that her attorney's son
2 had collected client files and that the California State Bar
3 would provide her a list of attorneys. Padilla said she has not
4 received that list from the California State Bar.

5 The Court orders both parties to meet either in person or
6 via telephone immediately to discuss this case. The case is
7 stayed for 30 days in order to allow Plaintiff time to retain new
8 counsel. If Plaintiff does not find new counsel, she will have
9 to represent herself and the Court will refer her case to the
10 magistrate judge. See E.D. Cal. L.R. 302(c)(21).

11 Defendants' Motion for Judgment on the Pleadings, ECF No.
12 23, remains under submission. Defendants' Motion to Modify the
13 Scheduling Order, ECF No. 28, and Motion for Terminating
14 Sanctions, ECF No. 32, have been continued to March 21, 2017 at
15 1:30PM. The parties are ordered to file a joint status report no
16 later than February 6, 2017.

17 IT IS SO ORDERED.

18 Dated: January 3, 2017

19 /s/ John A. Mendez _____

20 UNITED STATES DISTRICT COURT JUDGE
21
22
23
24
25
26
27
28