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12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 KATIE FEENEY,
 15
 16 Plaintiff,
 17 vs.
 18 UNITED STATES OF AMERICA,
 19 Defendant.

CASE NO. 2:17-CV-02303 JAM-AC

**JOINT STIPULATION AND ORDER TO
 MODIFY
 THE SCHEDULING ORDER
 [ECF NO. 16]**

22 Plaintiff Katie Feeney and Defendant United States respectfully propose and stipulate to modify
 23 the current scheduling order as set forth below. Joint Stip. and Order to Modify the Scheduling Order
 24 [ECF No. 16]. There is good cause to modify the schedule due to Plaintiff’s complex medical condition,
 25 which includes disarticulation (i.e., amputation) of her right leg at the hip, damage to the left leg and
 26 other claimed injuries; the national health crisis related to COVID-19; and to allow the parties to engage

1 in meaningful settlement discussions. In order to proceed with and complete both fact and expert
 2 discovery, the parties agreed that Plaintiff must undergo various medical exams. Due to Plaintiff's
 3 complex medical condition, which includes the coordination of medical care with different physicians at
 4 different medical institutions across the country, additional medical treatment and surgeries were
 5 undertaken by her during the summer and fall of 2019. After completing these procedures, Plaintiff
 6 began her independent medical exams in the fall but was not able to complete them due to her various
 7 medical complications. The parties were cooperating in an attempt to re-schedule them. Unfortunately,
 8 due to the continuing national health crisis related to COVID-19, Plaintiff could not and still cannot, fly
 9 across the country. As a result, the parties have not been able to complete Plaintiff's independent
 10 medical exams. In addition, other discovery cannot proceed due to the national health crisis, including
 11 depositions. Because this is a medical malpractice case, many of the potential fact and expert witnesses
 12 are medical doctors and medical care providers who are located across the country.

13 Plaintiff has served her initial expert disclosures. The parties now respectfully request a
 14 modification of the scheduling order vacating the current discovery and dispositive motion deadlines to
 15 allow the parties to engage in meaningful settlement negotiations. The parties note that they do not
 16 anticipate that dispositive motions will be filed. The parties will provide the Court with a status update
 17 in 30 days. At that time, if the parties are not able to reach a resolution or make substantial progress
 18 towards resolution, the parties will submit a proposed scheduling order.

| <u>Schedule</u> | <u>Current</u> | <u>Proposed</u> |
|------------------------------------------------|----------------------------|-----------------|
| - Defendant's Expert Disclosures | July 5, 2020 | Vacated |
| - Supplemental Expert Disclosures | July 17, 2020 | Vacated |
| - Discovery Cutoff | Sept 25, 2020 | Vacated |
| - Dispositive Motion Filing Deadline | Oct 6, 2020 | Vacated |
| - Last Day for Dispositive Motions to be Heard | Nov 3, 2020 | Vacated |
| - Final Pretrial Conference | Jan. 8, 2021 at 10:00 a.m. | No Change |
| - Trial (Bench, 8 days) | Feb. 8, 2021 at 9:00 a.m. | No Change |

