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 UNITED STATES OF AMERICA

14 IN THE UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

17 S.A.A.S.,  
 18 Plaintiff,  
 19 v.  
 20 UNITED STATES OF AMERICA,  
 21 Defendant.

Case No. 2:18-cv-01566-MCE-DB

**STIPULATION AND ORDER TO MODIFY  
 SCHEDULING ORDER**

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1                   **STIPULATION AND PROPOSED ORDER TO MODIFY SCHEDULING ORDER**

2                   Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 240(b), and the Court’s Initial  
3 Pretrial Scheduling Order (ECF No. 3), the parties have met and conferred regarding the nature and  
4 basis of their claims and defenses; the possibility of promptly settling or resolving this case; the  
5 disclosures required by Rule 26(a)(1); preserving discoverable information; and developing a proposed  
6 discovery plan. Having so met and conferred,

7                   IT IS HEREBY STIPULATED, by and between the parties and subject to Court approval, that  
8 the Initial Pretrial Scheduling Order be modified as set forth below:

- 9                   Deadline to serve initial disclosures ..... December 7, 2018
- 10                  Deadline for initial expert disclosures .....November 15, 2019
- 11                  Deadline for rebuttal expert disclosures ..... January 24, 2020
- 12                  Deadline to complete discovery ..... March 27, 2020
- 13                  Deadline for filing dispositive motions..... April 24, 2020

14                  The parties anticipate that most of the discovery in this case will occur in the related state court  
15 action *S.A.A.S. v. Dignity Health, et al.*, San Francisco County Superior Court Case No. CGC-18-  
16 465288. The trial in the state court action is currently set to begin on September 23, 2019. Plaintiff’s  
17 counsel agrees to serve Defendant’s counsel with all discovery that Plaintiff receives or serves in the  
18 state court proceeding. The parties agree that depositions taken in the state court action will count  
19 toward the one-deposition limit in Federal Rule of Civil Procedure 30(d)(1).

20                  After the state court action is tried or otherwise resolved, the parties anticipate some additional  
21 expert discovery specific to the instant federal proceeding. The parties agree that initial expert  
22 disclosures shall be served on November 15, 2019, and rebuttal expert disclosures shall be served on  
23 January 24, 2020. Any dispositive motions shall be filed no later than April 24, 2020. In the event that  
24 no party intends to file a dispositive motion, the parties shall file a Joint Notice of Trial Readiness no  
25 later than 30 days after the close of discovery.

26                  In compliance with Federal Rule of Civil Procedure 26(f)(3), the parties provide the following  
27 additional information for the Court’s consideration.

1 **I. Brief Case Summary**

2 Plaintiff S.A.A.S. asserts one claim for wrongful death (medical malpractice) against the United  
3 States of America pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–80. She alleges  
4 that health care providers at Community Medical Center (“CMC”), a federally funded clinic in Stockton,  
5 California, negligently failed to diagnose her mother with diabetic ketoacidosis on February 6, 2016, and  
6 that this failure resulted in her mother’s death on February 11, 2016.

7 **II. Compliance with Federal Rule of Civil Procedure 26(f)(3)**

8 **A. Disclosures Pursuant to Rule 26(a)**

9 The parties will serve initial disclosures no later than December 7, 2018. The parties will serve  
10 initial expert disclosures no later than November 15, 2019. The parties propose that any rebuttal expert  
11 disclosures shall be served no later than January 24, 2020.

12 **B. Subjects and Timing of Discovery**

13 The parties anticipate that the subjects of discovery will include the facts and circumstances of  
14 the medical care S.A.A.S.’s mother received from health care providers at St. Joseph’s Medical Center  
15 and CMC from February 4 to 11, 2016; the applicable standards of professional care; the nature and  
16 extent of any wrongful-death damages sustained by S.A.A.S; and the causal connection between any  
17 damages sustained by S.A.A.S. and any breach of the applicable standards of professional care. The  
18 parties propose a deadline of March 27, 2019, to complete discovery.

19 **C. Electronically Stored Information**

20 The parties do not anticipate discovery of electronically stored information.

21 **D. Protection of Privileges or Trial-Preparation Materials**

22 The parties hereby agree that the scope of discovery shall not include documents prepared by  
23 counsel on or after of May 29, 2018, or confidential attorney-client communications occurring on or  
24 after May 29, 2018, and that such documents or information shall be deemed non-responsive and may be  
25 withheld without the need to assert or interpose an objection or seek a protective order, except as  
26 provided in Federal Rule of Civil Procedure 26(b)(4)(C) for certain communications with or documents  
27 provided to testifying experts. The parties further agree that privilege logs need not be produced unless  
28 and until requested by counsel in connection with specific objections that have been asserted.

1           **E.       Changes in Discovery Limitations**

2           The parties do not propose any changes to the limitations imposed on discovery by the Federal  
3 Rules of Civil Procedure and the Court's Local Rules.

4           **F.       Other Orders Concerning Discovery**

5           The parties do not propose any other orders concerning discovery.

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7 Dated: December 3, 2018

WALKUP, MELODIA, KELLY & SCHOENBERGER  
A Professional Corporation

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9           By: /s/ Christian R. Jagush (authorized 12/3/2018)  
10           CHRISTIAN R. JAGUSH

11           Attorneys for Plaintiff  
12           S.A.A.S.

13 Dated: December 3, 2018

McGREGOR W. SCOTT  
United States Attorney

14  
15           By: /s/ Joseph B. Frueh  
16           JOSEPH B. FRUEH  
17           Assistant United States Attorney

18           Attorneys for Defendant  
19           UNITED STATES OF AMERICA

20           **IT IS SO ORDERED**

21 Dated: January 2, 2019

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24           MORRISON C. ENGLAND, JR.  
25           UNITED STATES DISTRICT JUDGE