

1 Gregory B. Thomas (SBN 239870)  
 E-mail: gthomas@bwslaw.com  
 2 Michael A. Slater (SBN 318899)  
 E-mail: mslater@bwslaw.com  
 3 BURKE, WILLIAMS & SORENSEN, LLP  
 1901 Harrison Street, Suite 900  
 4 Oakland, CA 94612-3501  
 Tel: 510.273.8780 Fax: 510.839.9104

5  
 6 Attorneys for Defendants,  
 Modoc County, William Dowdy, Daniel Nessling,  
 Erik VonRader and Mike Main

7  
 8 Larry L. Baumbach (SBN 50086)  
 E-mail: llblaw@sandpipernet.com  
 LAW OFFICES OF LARRY L. BAUMBACH  
 9 2531 Forest Ave., Suite 100  
 Chico, CA 95928  
 10 Tel: 530.891.6222 Fax: 530.852.3969

11 Attorney for Plaintiffs,  
 B.T.H., a minor, T.J.H., a minor, and V.C.H., a  
 12 minor, by Guardian Ad Litem PAMELA HINTON

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

16 B.T.H., a minor, T.J.H., a minor, and  
 17 V.C.H., a minor, by Guardian Ad Litem  
 PAMELA HINTON,

18 Plaintiffs,

19 v.

20 COUNTY OF MODOC, MODOC  
 21 COUNTY SHERIFF MIKE  
 POINDEXTER, UNKNOWN MODOC  
 22 COUNTY CORRECTIONAL OFFICERS,  
 SUPERVISORS, AND UNKNOWN  
 23 MODOC COUNTY MEDICAL CARE  
 PROVIDERS, and DOES 1 through 50  
 24 inclusive,

25 Defendants.

Case No. 2:20-cv-00566-JAM-DMC

**STIPULATION AND ORDER  
 AUTHORIZING DEPOSITION OF  
 PAMELA HINTON AFTER SEPTEMBER  
 10, 2021 DISCOVERY CUTOFF AND  
 BEFORE OCTOBER 15, 2021**

**[Fed. R. Civ. P. 29]**

26  
 27 Defendants Modoc County, William Dowdy, Daniel Nessling, Erik VonRader and Mike  
 28 Main (collectively, the “Modoc County Defendants”), and Plaintiffs B.T.H., T.J.H., and V.C.H

1 (collectively, “Plaintiffs”) (altogether collectively, the “parties”)—by and through their respective  
2 attorneys of record, and pursuant to Federal Rule of Civil Procedure (“Rule”) 29—hereby  
3 stipulate and agree as follows:

4 **WHEREAS**, pursuant to stipulation of the parties (ECF No. 33), on January 5, 2021,<sup>1</sup> this  
5 Court ordered a discovery cutoff of September 10 (ECF No. 34);

6 **WHEREAS**, on August 10, the Modoc County Defendants served Plaintiffs with a notice  
7 of Pamela Hinton’s (Plaintiffs’ Guardian Ad Litem) August 25 deposition;

8 **WHEREAS**, on August 19, counsel for Plaintiffs indicated that Pamela Hinton was  
9 medically unavailable for deposition on August 25;

10 **WHEREAS**, on August 19, counsel for the parties agreed, in principle, to stipulate to the  
11 Modoc County Defendants’ taking of Pamela Hinton’s deposition after the September 10  
12 discovery cutoff, should it become necessary, pursuant to Rule 29;

13 **WHEREAS**, on August 24, the Modoc County Defendants served Plaintiffs with an  
14 amended notice of Pamela Hinton’s September 9 deposition;

15 **WHEREAS**, on August 31, counsel for Plaintiffs indicated that Pamela Hinton will not  
16 be available for deposition until the first week of October;

17 **WHEREAS**, the parties agree and stipulate that it will be in the best interest of the parties  
18 to allow the deposition of Pamela Hinton to proceed after the September 10 discovery cutoff but  
19 before October 15;

20 **WHEREAS**, the parties agree and stipulate that there is good cause to allow the  
21 deposition of Pamela Hinton to proceed after the September 10 discovery cutoff but before  
22 October 15;

23 **WHEREAS**, the parties agree and stipulate that this stipulation does not seek  
24 modification of the current litigation deadlines as set forth in this Court’s January 5 Order (ECF  
25 No. 34);

26 **WHEREAS**, the parties agree and stipulate that this stipulation does not prejudice either  
27

28 

---

<sup>1</sup> All dates refer to dates in 2021 unless otherwise indicated.

1 of the parties' rights to seek modification of the current litigation deadlines as set forth in this  
2 Court's January 5 Order (ECF No. 34);

3 **NOW, THEREFORE**, the parties, through their respective counsel, jointly propose and  
4 stipulate that the Modoc County Defendants are authorized to take the deposition of Pamela  
5 Hinton after the September 10 discovery cutoff but before October 15.

6 **IT IS SO STIPULATED.**

7 Dated: September 3, 2021

BURKE, WILLIAMS & SORENSEN, LLP

8  
9 By: /s/ *Gregory B. Thomas*

10 Gregory B. Thomas  
11 Michael A. Slater  
12 Attorneys for Defendants  
13 COUNTY OF MODOC and FORMER  
14 MODOC COUNTY SHERIFF MIKE  
15 POINDEXTER

16  
17 Dated: September 3, 2021

LAW OFFICES OF LARRY L. BAUMBACH

18  
19 By: /s/ *Larry L. Baumbach*

20 Larry L. Baumbach  
21 Attorney for Plaintiffs  
22 B.T.H., a minor, T.J.H., a minor, and  
23 V.C.H., a minor, by Guardian Ad Litem  
24 PAMELA HINTON

25 Under Eastern District of California Civil Local Rule 131(e) (Fed. R. Civ. P. 7), I attest  
26 that I obtained concurrence in the filing of this document from all of the above signatories.

27 Dated: September 3, 2021

BURKE, WILLIAMS & SORENSEN, LLP

28  
By: /s/ *Michael A. Slater*

Gregory B. Thomas  
Michael A. Slater  
Attorneys for Defendants  
COUNTY OF MODOC and FORMER  
MODOC COUNTY SHERIFF MIKE  
POINDEXTER

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

**ORDER**

Based upon the foregoing stipulation, it is hereby ordered that the Modoc County Defendants are authorized to take the deposition of Pamela Hinton after the September 10, 2021 discovery cutoff but before October 15, 2021.

**IT IS SO ORDERED.**

Dated: 9/3/2021

/s/ John A. Mendez

\_\_\_\_\_  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE

OAK #4839-6984-0377 v1