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9 Attorneys for Plaintiffs

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11 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

12 Estate of LINDA MILLER, by and through Minor
 H.S., by and through his Guardian *ad Litem*,
 14 RICHARD HYDE, as Administrator; CHRISTINA
 HYDE; and Minor Plaintiff H.S., by and through
 15 his Guardian *ad Litem*, RICHARD HYDE,

16 Plaintiffs,

17 v.

18 COUNTY OF SUTTER; COUNTY OF NEVADA,
 SHERIFF BRANDON BARNES, in his individual
 19 capacity; SHERIFF SHANNON MOON, in her
 individual capacity; COMMANDER DAN
 20 BUTTLER, in his individual capacity;
 LIEUTENANT NORMAN BIDWELL, in his
 21 individual capacity; SERGEANT KRISTIE M.
 GARZA, in her individual capacity; BRENDA
 22 FRANKS, in her individual capacity; MARETTE
 COOPER, in her individual capacity; JEANETTE
 23 MULLENAX, in her individual capacity;
 WELLPATH; H.I.G. CAPITAL, LLC;
 24 CALIFORNIA FORENSIC MEDICAL GROUP
 (AKA Correctional Medical Group Companies,
 25 Inc. and AKA WELLPATH); TAYLOR
 FIFTHIAN, in his official and individual
 26 capacities; KIP HALLMAN, in his official and
 individual capacities; ASHLEY MOSELEY; and
 27 DOES 2-20,

28 Defendants.

Case No.: 20-cv-00577-DJC-DMC

[Assigned to the Honorable Daniel J. Calabretta – Courtroom 10]

**JOINT STIPULATION AND ORDER TO
 ADVANCE HEARING DATE FOR JOINT
 DEFENSE MOTIONS FILED AT DKT. NOS.
 160 AND 161**

Complaint filed: March 16, 2020
 Trial Date: October 15, 2024

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28 Attorneys for Defendant,
ASHLEY MOSELEY

1 Counsel for Plaintiffs Estate of Linda Miller, Christina Hyde, and minor H.S. and counsel for
2 Defendants County of Sutter, Sheriff Brandon Barnes, Commander Dan Buttler, Lieutenant Norman
3 Bidwell, Sergeant Kristi M. Garza, Brenda Franks, Ashley Moseley, California Forensic Medical Group
4 (aka Wellpath), County of Nevada, Jeannette Mullenax, and Kip Hallman (collectively, the “Parties”) by
5 and through their counsel of record, stipulate to the following:

6 1. On November 2, 2023, Defendants filed a Joint Motion to Reopen Non-expert Discovery
7 for Limited Purpose and Continue Expert Discovery Deadlines, ECF No. 160, and a Joint Motion to
8 Compel the Mental Examination of minor Plaintiff H.S., ECF No. 161 (collectively, “Defendants’ Joint
9 Motions”).

10 2. Defendants obtained from the Court the first available hearing date for Defendants’ Joint
11 Motions, which was January 4, 2024. Fact discovery ended on October 9, 2023. Presently, the expert
12 disclosure deadline is November 13, 2023, and the rebuttal expert disclosure deadline is December 4,
13 2023. ECF No. 145.

14 3. On November 3, 2023, Defendants informed Plaintiffs of their intent to file an ex parte
15 motion to have Defendants’ Joint Motions heard sooner than January 4, 2024, requested Plaintiffs’
16 position as required by Local Rule 144 and the Court’s Standing Order in Civil Cases, and asked
17 Plaintiffs for their availability to meet and confer.

18 4. On November 6, 2023, Plaintiffs provided Defendants with their availability to meet and
19 confer.

20 5. On November 7, 2023, Defendants confirmed their meet and confer availability, provided
21 Plaintiffs with a copy of their draft ex parte motion to have Defendants’ Joint Motions heard sooner, and
22 again requested Plaintiffs’ position on same.

23 6. Upon reviewing Defendants’ draft ex parte motion, Plaintiffs proposed that the Parties
24 enter into a stipulation to advance the hearing date on Defendants’ Joint Motions, rather than use the
25 Court’s emergency procedures. The Parties propose the following schedule for the Court’s consideration:

- 26 a. Plaintiffs’ deadline to oppose Defendants’ Joint Motion to Reopen Non-Expert
27 Discovery for Limited Purpose and Continue Expert Discovery Deadlines, ECF No. 160, is
28 November 16, 2023. Defendants’ deadline to file their corresponding reply brief is November 22,

1 2023.

2 b. The Parties' deadline to file the Joint Statement re Discovery Disagreement in
3 support of Defendants' Joint Notice of Motion and Motion to Compel Mental Examination is
4 November 22, 2023.

5 c. The hearing date on Defendants' Joint Motions is November 30, 2023.

6 7. The Parties' expert disclosure deadline is November 13, 2023, and their rebuttal expert
7 disclosure deadline is December 4, 2023. Defendants believe it makes sense to continue both deadlines
8 until after the hearing on Defendants' Joint Motions and note:

9 a. The Court previously granted the parties' three prior stipulations to continue
10 certain deadlines set by the Court's Scheduling Orders. *See* Dkt. No. 122, 123, 144, 145, 148,
11 149.

12 b. The Court also previously denied Defendants' defense only stipulation to briefly
13 continue the non-expert discovery cutoff. Dkt. Nos. 156, 159.

14 c. A brief continuation of the expert disclosure and rebuttal expert disclosure
15 deadlines to accommodate an earlier hearing on Defendants' Joint Motions will have no impact
16 on the remaining deadlines set by the Court's Scheduling Orders, with the next occurring one
17 being the expert discovery cutoff, which is set for March 1, 2024. Dkt. No. 145.

18 8. Plaintiffs disagree and do not believe this stipulation is the proper vehicle through which
19 to raise a disputed issue. Defendants have already filed a motion seeking to continue the expert disclosure
20 deadlines. *See* ECF No. 160. Plaintiffs will file their opposition to that motion on November 16, 2023.
21 Plaintiffs ask the Court to rule on the propriety of a continuance after Defendants' motion is fully briefed
22 and taken under submission. If the Joint Defense Motions are denied, continuing the expert disclosure
23 deadlines will unnecessarily delay this case. If the Joint Defense Motions are granted, Plaintiffs are
24 confident the Court will be able to fashion an appropriate remedy and schedule for the Parties. At
25 minimum, Plaintiffs ask the Court to wait until after reviewing Plaintiffs' opposition brief before
26 deciding whether to continue the expert disclosure deadlines..

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28 **IT IS SO STIPULATED.**

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Dated: November 9, 2023

Respectfully Submitted,
HADSELL STORMER RENICK & DAI LLP
By: /s/ Hanna Chandoo
Dan Stormer
Hanna Chandoo
Attorneys for Plaintiffs

Dated: November 9, 2023

SIEGEL, YEE, BRUNNER & MEHTA
By: /s/ EmilyRose Johns
EmilyRose Johns
Attorneys for Plaintiffs

Dated: November 9, 2023

BURKE, WILLIAMS & SORENSEN, LLP
By: /s/ Gregory B. Thomas
Gregory B. Thomas
Temitayo O. Peters
Attorneys for Defendants County of Sutter, Sheriff Brandon
Barnes, Commander Dan Butler, Lieutenant Norman
Bidwell, and Sergeant Kristie M. Garza

Dated: November 9, 2023

GORDON REES SCULLY MANSUKHANI, LLP
By: /s/ Lindsey Romano
Lindsey Romano
Attorneys for Defendant
BRENDA FRANKS, WELLPATH, CALIFORNIA
FORENSIC MEDICAL GROUP, KIP HALLMAN

Dated: November 9, 2023

RIVERA HEWITT PAUL LLP
By: /s/ Jonathan B. Paul
Jonathan B. Paul
Wendy Motooka
Attorneys for Defendants
COUNTY OF NEVADA, JEANNETTE MULLENAX

1 Dated: November 9, 2023

MAYALL HURLEY, P.C.

2
3 By: /s/ Mark E. Berry
4 Mark E. Berry
5 Attorneys for Defendant
6 ASHLEY MOSELEY

7 **ATTESTATION**

8 I, Hanna Chandoo, attest that all other signatures listed, and on whose behalf this filing is
9 submitted, concur in the filing’s contents and have authorized the filing.

10 /s/ Hanna Chandoo
11 Hanna Chandoo

1 **ORDER**

2 Based on the Parties' stipulated request and good cause appearing, the Court grants the Parties'
3 stipulation as follows:

- 4 a. Plaintiffs' deadline to oppose Defendants' Joint Motions is November 16, 2023.
5 b. Defendants' deadline to file reply briefs in support of Defendants' Joint Motions is
6 November 22, 2023.
7 c. The hearing date on Defendants' Joint Motions is November 30, 2023.
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9 **IT IS SO ORDERED.**

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11
12 Dated: November 13, 2023

/s/ Daniel J. Calabretta

13 THE HONORABLE DANIEL J. CALABRETTA
14 UNITED STATES DISTRICT JUDGE
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