

1 MICHAEL J. HADDAD (SBN 189114)
2 JULIA SHERWIN (SBN 189268)
3 BRIAN HAWKINSON (SBN 341856)
4 HADDAD & SHERWIN LLP
5 505 Seventeenth Street
6 Oakland, CA 94612
7 Telephone: (510) 452-5500
8 Facsimile: (510) 452-5510

9 Attorneys for Plaintiffs

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

12 JOHN ADENA, Deceased, by and through his Co-)
13 Successors in Interest, CIRCE ADENA and)
14 RICHARD ADENA; CIRCE ADENA, Individually,)
15 and RICHARD ADENA, Individually,)

16 Plaintiffs,)

17 vs.)

18 SHASTA COUNTY, a public entity; SHASTA)
19 COUNTY SHERIFF-CORONER TOM BOSENKO,)
20 in his individual capacity; CAPTAIN DAVE KENT;)
21 SHASTA COUNTY JAIL DEPUTIES KIRK)
22 SCHITTER, DEVIN HURTE, DEPUTY DIAZ,)
23 EMMANUAL ALCAZAR, ZACHARY)
24 JURKIEWICZ, JOSEPH GRADY, NATHANIAL)
25 NEVES, HECTOR CORTEZ; CALIFORNIA)
26 FORENSIC MEDICAL GROUP, INC., a California)
27 Corporation; WELLPATH MANAGEMENT, INC., a)
28 Delaware Corporation; WELLPATH LLC, a)
Delaware Limited Liability Company; TRACY)
LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;)
DANIEL DELLWO, P.A.; and DOES 1-20;)
individually, jointly and severally,)

Defendants.)

Case No. 2:21-cv-00770-MCE-DMC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL
SCHEDULING ORDER (Doc. 74)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify the Scheduling Order (Doc. 74). Good cause exists to grant the requested extension:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 deputies and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by two separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.
8

9 2. On August 11, 2023, Plaintiffs filed a First Amended Complaint naming an
10 additional medical corporation, California Forensic Medical Group, Inc., as a defendant. On
11 November 1, 2023, the Wellpath Defendants moved to dismiss Plaintiffs' First Amended
12 Complaint. The motion was submitted on the papers and is currently pending.

13 3. The parties have engaged in extensive written and deposition discovery and have
14 resolved several discovery disputes through meet and confer efforts. The parties anticipate that
15 almost all discovery will be completed within the current deadlines. The exception is for
16 documents and depositions concerning the Wellpath Defendants' financial condition related to
17 Plaintiffs' punitive damages claims, concerning which Plaintiffs and corporate Wellpath Defendants
18 are continuing extensive meet and confer efforts. Currently, Wellpath corporate Defendants and
19 their counsel are reviewing Plaintiffs' demands to produce further unredacted financial records,
20 pursuant to the protective order. If the parties are able to agree on potentially relevant and
21 discoverable documents informally, then after receiving such documents, Plaintiffs will have them
22 reviewed by their accounting expert, then Plaintiffs will depose previously noticed Rule (30)(b)(6)
23 Person Most Knowledgeable (PMK) witnesses to be produced by Wellpath Defendants on mutually
24 available dates. If, on the other hand, the parties are not able to agree on potentially relevant and
25 discoverable financial documents, then Plaintiffs and Wellpath Defendants will need to finish
26
27
28

1 drafting a (hopefully more focused) joint discovery brief for resolution by the court on a full
2 discovery motion. If the motion is granted, then Plaintiffs can proceed with expert examination of
3 documents and depositions of Wellpath PMK witnesses. Plaintiffs and Wellpath Defendants
4 estimate that an additional ninety days beyond current deadlines should be sufficient to complete all
5 financial position discovery, including a discovery motion if necessary.

6 4. Furthermore, since the Wellpath financial position discovery necessitating the partial
7 extension of discovery deadlines is only relevant to punitive damages, that financial information in
8 dispute will not be necessary for dispositive motions or for disclosure of other liability and
9 damages-related experts.
10

11 5. For these reasons, Plaintiffs and Wellpath Defendants jointly request to carve out
12 approximately 90-day extensions of certain existing pre-trial deadlines to resolve the pending
13 dispute regarding Wellpath financial records and related depositions and expert disclosures. County
14 Defendants would not be affected by this continuance and do not object.
15

16 6. The parties therefore stipulate to a brief continuance of limited dates in this matter as
17 follows:
18

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
19 Close of Fact Discovery (not 20 including concerning Wellpath 21 corporate Defendants' 22 financial position)	August 23, 2024	UNCHANGED
23 Close of Fact Discovery 24 concerning Wellpath corporate 25 Defendants' financial position	August 23, 2024	November 29, 2024
26 Expert Disclosures (not 27 including concerning Wellpath 28 corporate Defendants' financial position)	October 11, 2024	UNCHANGED

1 2	Expert Disclosures concerning Wellpath corporate Defendants' financial position	October 11, 2024	January 10, 2025
3 4 5	Rebuttal Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	November 6, 2024	UNCHANGED
6 7	Rebuttal Expert Disclosures concerning Wellpath corporate Defendants' financial position	November 6, 2024	February 7, 2025
8 9	Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024	March 21, 2024
10 11	Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

12 For the foregoing reasons, the parties respectfully request that this Court enter an Order
13 modifying the schedule in this case as set forth above.

14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

17 Dated: July 2, 2024

HADDAD & SHERWIN LLP

18 */s/ Michael J. Haddad*

19 _____
MICHAEL J. HADDAD
Attorneys for Plaintiffs

21 Dated: July 2, 2024

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

22 */s/ Lynn Carpenter*

23 _____
LYNN CARPENTER
MILDRED K. O'LINN
KAYLEIGH A. ANDERSEN
Attorneys for Defendants
SHASTA COUNTY; SHERIFF-CORONER TOM
24 BOSENKO; SHASTA COUNTY JAIL CAPTAIN
25 DAVE KENT; DEPUTIES KIRK SCHRITTER,
26
27
28

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

DEVIN HURTE, OMAR DIAZ, EMMANUEL
ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH
GRADY, NATHANIAL NEVES, and HECTOR
CORTEZ

Dated: July 2, 2024

GORDON REES SCULLY MANSUKHANI, LLP

/s/ Allison Becker

LINDSEY M. ROMANO
ALLISON BECKER
Attorneys for Defendants
CALIFORNIA FORENSIC MEDICAL GROUP,
INC., WELLPATH MANAGEMENT, INC.,
WELLPATH LLC; TRACI LEWIS, L.M.F.T; PAM
JOHANSEN, L.C.S.W.; DANIEL DELLWO, P.A.


ORDER

Based on the parties' stipulation, and with good cause appearing, IT IS HEREBY ORDERED that the Pretrial Scheduling Order (Doc. 74) is modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery (not including concerning Wellpath corporate Defendants' financial position)	August 23, 2024	UNCHANGED
Close of Fact Discovery concerning Wellpath corporate Defendants' financial position	August 23, 2024	November 29, 2024
Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	October 11, 2024	UNCHANGED
Expert Disclosures concerning Wellpath corporate Defendants' financial position	October 11, 2024	January 10, 2025
Rebuttal Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	November 6, 2024	UNCHANGED
Rebuttal Expert Disclosures concerning Wellpath corporate Defendants' financial position	November 6, 2024	February 7, 2025
Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024	March 21, 2025
Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

IT IS SO ORDERED.

Dated: July 8, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE