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16 *JESSICA CRUZ DOMINGUEZ, AS GUARDIAN AD
LITEM FOR HER SON, SANTOS EDDIE C.
FITZGERALD*

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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 **CHRISTINE GOODWIN, JESSICA
CRUZ-DOMINGUEZ, Individually and as
22 Guardian ad litem for SANTOS EDDIE C.
FITZGERALD,**

23 Plaintiffs,

24 v.

25
26 **CALIFORNIA DEPT. OF CORRECTIONS
& REHABILITATION, et al.**

27 Defendants.
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Case No. 07-cv-01924-JL

**ADMINISTRATIVE MOTION AND
STIPULATION FOR ORDER
CONTINUING SETTLEMENT
CONFERENCE; ~~PROPOSED~~ ORDER**

1 The parties respectfully request that the Court continue the Settlement Conference from
2 Friday, July 5, 2011 to August 26, 2011 at 10:30 a.m. by stipulation. The parties have further
3 stipulated that their Settlement Conference Statements and candid evaluations of the parties'
4 likelihood of prevailing on the claims and defenses are to be submitted to the Court by August 12,
5 2011.

6 The claims of Plaintiff Santos Eddie Fitzgerald arise from the death of his father, inmate
7 Eddie Fitzgerald, in his cell at San Quentin State Prison. He died of "acute diabetic coma with
8 seizure activity," caused by a sharp drop in Mr. Fitzgerald's blood sugar.

9 Plaintiff Christine Goodwin is no longer a party to the case, having been dismissed as
10 plaintiff in her own right and as Guardian ad Litem. Two defendants remain in the case, Karen
11 Saylor, M.D., the former Chief Medical Officer, and Tam Bui, M.D., now retired.

12 No trial date has been set and the case is pending re-assignment to Magistrate Judge
13 Cousins due to the retirement of Magistrate Judge Larson.

14 Good cause exists in that counsel for both parties have engaged in preliminary settlement
15 discussions and counsel for the California Department of Corrections and Rehabilitation¹ needs
16 the opportunity to conduct further consultations with the agency and the two physicians who
17 remain as individual defendants in this matter.

18 Both counsel believe that providing the California Department of Corrections and
19 Rehabilitation with further opportunity to conduct internal discussions will greatly enhance the
20 prospects of settlement and greatly increase the productivity of the Settlement Conference. In
21 light of the foregoing, the parties, by and through their respective counsel, respectfully request the
22 Settlement Conference be continued from Friday, July 5, 2011, to August 26, 2011 at 10:30 a.m.

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27 ¹ The California Department of Corrections and Rehabilitation has been dismissed as a
28 defendant on Eleventh Amendment grounds (Order, Doc.82), but it remains an interested party
due to its obligation to defend and indemnify the physician-employees who remain as defendants.

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Dated: June 15, 2011

FENWICK & WEST LLP

By: /s/ Mashood Rassam
Mashood Rassam

*Attorneys for Plaintiff
Jessica Cruz-Dominguez As
Guardian Ad Litem For Her Son
Santos Eddie C. Fitzgerald*

Dated: June 15, 2011

KAMALA D. HARRIS
ATTORNEY GENERAL OF CALIFORNIA

By: /s/ Tom Blake
TOM BLAKE
DEPUTY ATTORNEY GENERAL
*Attorneys for Defendants California
Department of Corrections and
Rehabilitation, Karen Saylor, M.D., and
Tam Bui, M.D.*

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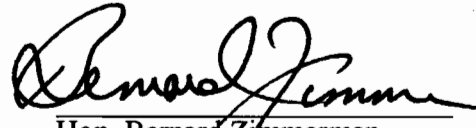
ORDER

For good cause, the Settlement Conference previously set for July 5, 2011 is continued to August 2⁵~~7~~, 2011 at 9:00 a.m. ~~at 10:00 a.m.~~ The parties shall submit a settlement conference statement not later than August 12, 2011.

in Courtroom D

IT IS SO ORDERED.

Dated: 20 June 2011


Hon. Bernard Zimmerman
United States Magistrate Judge