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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ELLEN M. PALMER,
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 Plaintiff,
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 v.
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 SANTA ROSA MEMORIAL HOSPITAL,
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 Defendant.
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Case No. CV 08 3385 JSW
**GOVERNING MOTION TO
 STIPULATION AND ~~PROPOSED~~
 ORDER TO MODIFY PRETRIAL
 SCHEDULING ORDER TO EXTEND
 DEADLINE FOR DESIGNATION OF
 EXPERTS, EXPERT AND NON-EXPERT
 DISCOVERY**

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CASE NO. CV 08 3385 JSW

STIPULATION AND ~~PROPOSED~~ ORDER TO MODIFY PRETRIAL SCHEDULING ORDER TO EXTEND
 DEADLINE FOR DESIGNATION OF EXPERTS, EXPERT AND NON-EXPERT DISCOVERY

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff Ellen Palmer (“plaintiff”) and her attorneys of record, Susan Sher, attorney at law and defendant Santa Rosa Memorial Hospital (“defendant”), by its attorneys of record Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by Gregory C. Cheng, attorney at law, that the following Stipulation may be entered as an Order by the Court to give effect to the stipulations set forth below:

1. **WHEREAS**, the parties mediated the case on December 15, 2008, but failed to reach a resolution;

2. **WHEREAS**, the parties have agreed to make another good faith attempt at mediation, which has been very recently scheduled for September 10, 2009, before mediator Barry Winograd of Oakland, California;

3. **WHEREAS**, the current deadline for the close of non-expert discovery is August 14, 2009;

4. **WHEREAS**, the current deadline to designate experts and exchange reports is August 28, 2009, and the current deadline to complete expert discovery is September 11, 2009;

5. **WHEREAS**, the parties believe that continuing the non-expert discovery and expert deadlines will give them a more realistic opportunity to resolve this case at mediation if, prior to mediation, they do not have to expend further fees and costs in answering lengthy pending interrogatories, retaining experts, preparing expert reports, conducting expert discovery (including taking, defending, and preparing expert witnesses for depositions);

6. **WHEREAS**, should mediation on September 10, 2009 be unsuccessful, the parties will have at least thirty days to complete all non-expert discovery, expert discovery and expert designations;

7. **WHEREAS**, this is the parties’ first request to modify any part of the Pretrial Scheduling Order;

8. **WHEREAS**, this Stipulation was originally brought as a Motion (on August 7, 2009) pursuant to the Court’s Standing Order, and therefore was brought before the expiration of the deadlines which the parties seek to extend. However, the parties were subsequently notified by

1 the Court to submit a Stipulation and Order;

2 9. WHEREAS, neither party will be prejudiced by a short extension of no less than
3 thirty days, for deadlines to complete non-expert discovery, to designate experts and to complete
4 expert discovery; and

5 10. WHEREAS, very good cause exists for the Court to modify the Pretrial Scheduling
6 Order to continue the aforementioned deadlines for no less than thirty days.

7 NOW, THEREFORE, the Parties, through their respective counsel of record AGREE
8 AND HEREBY STIPULATE that the Pretrial Scheduling Order of January 7, 2009 be modified
9 to extend the deadline for non-expert discovery from August 14, 2009 to October 12, 2009; to
10 continue the deadline to designate experts from August 28, 2009 to September 28, 2009; and to
11 extend the expert discovery deadline from September 11, 2009 to October 12, 2009. All other
12 dates shall remain the same.

13 DATED: August 24, 2009

Law Offices of Susan Sher

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By: _____ /s/ Susan Sher
Susan Sher

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Attorneys for Plaintiff
ELLEN PALMER

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DATED: August 24, 2009

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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By: _____ /s/ Gregory C. Cheng
Gregory C. Cheng

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Attorneys for Defendant
SANTA ROSA MEMORIAL HOSPITAL

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ORDER

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2 1. **WHEREAS**, the parties mediated the case on December 15, 2008, but failed to
3 reach a resolution;

4 2. **WHEREAS**, the parties have agreed to make another good faith attempt at
5 mediation, which has been very recently scheduled for September 10, 2009, before mediator Barry
6 Winograd of Oakland, California;

7 3. **WHEREAS**, the current deadline for the close of non-expert discovery is August
8 14, 2009;

9 4. **WHEREAS**, the current deadline to designate experts and exchange reports is
10 August 28, 2009, and the current deadline to complete expert discovery is September 11, 2009;

11 5. **WHEREAS**, the parties believe that continuing the non-expert discovery and expert
12 deadlines will give them a more realistic opportunity to resolve this case at mediation if, prior to
13 mediation, they do not have to expend further fees and costs in answering lengthy pending
14 interrogatories, retaining experts, preparing expert reports, conducting expert discovery (including
15 taking, defending, and preparing expert witnesses for depositions);

16 6. **WHEREAS**, should mediation on September 10, 2009 be unsuccessful, the parties
17 will have at least thirty days to complete all non-expert discovery, expert discovery and expert
18 designations;

19 7. **WHEREAS**, this is the parties' first request to modify any part of the Pretrial
20 Scheduling Order;

21 8. **WHEREAS**, this Stipulation was originally brought as a Motion (on August 7,
22 2009) pursuant to the Court's Standing Order, and therefore was brought before the expiration of
23 the deadlines which the parties seek to extend. However, the parties were subsequently notified by
24 the Court to submit a Stipulation and Order;

25 9. **WHEREAS**, neither party will be prejudiced by a short extension of no less than
26 thirty days, for deadlines to complete non-expert discovery, to designate experts and to complete
27 expert discovery; and

28 10. **WHEREAS**, very good cause exists for the Court to modify the Pretrial Scheduling

1 Order to continue the aforementioned deadlines for no less than thirty days.

2 **GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED** that the
3 Pretrial Scheduling Order of January 7, 2009 be modified to extend the deadline for non-expert
4 discovery from August 14, 2009 to October 12, 2009; to continue the deadline to designate experts
5 from August 28, 2009 to September 28, 2009; and to extend the expert discovery deadline from
6 September 11, 2009 to October 12, 2009. All other dates shall remain the same.

7 **IT IS SO ORDERED.**

8 DATED: August 25, 2009

By: 
Hon. Jeffrey S. White
United States District Court Judge

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