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6 *Attorneys for Defendant*  
 Receiver J. Clark Kelso

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 MEDICAL DEVELOPMENT  
 12 INTERNATIONAL, a Delaware corporation,

13 *Plaintiff,*

14 v.

15 THE CALIFORNIA DEPARTMENT OF  
 16 CORRECTIONS AND REHABILITATION;  
 J. CLARK KELSO, in his capacity as receiver,  
 and DOES 1 through 20, inclusive,

17 *Defendants.*

Case No. CV 10-000443 TEH

**STIPULATION FOR ORDER AND  
~~PROPOSED~~ ORDER CONTINUING  
 CASE MANAGEMENT CONFERENCE  
 SCHEDULED FOR MARCH 7, 2011 TO  
 APRIL 11, 2011**

Hon. Thelton E. Henderson

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 19 Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court's Standing  
 20 Order, the parties, by and through their respective counsel, Watt, Tieder, Hoffar & Fitzgerald,  
 21 LLP for Plaintiff Medical Development International ("MDI"), Futterman Dupree Dodd Croley  
 22 Maier LLP for Defendant J. Clark Kelso, in his capacity as the Receiver, ("Receiver"), and the  
 23 California Office of the Attorney General for Defendant California Department of Corrections  
 24 and Rehabilitation ("CDCR"), stipulate for an Order continuing the case management  
 25 conference, currently set for March 7, 2011, to April 11, 2011 at 1:30 p.m. This stipulation is  
 26 based on the following facts:

27 1. The parties participated in a mediation session on February 14, 2011. While the  
 28 case was not resolved on that date, the parties are continuing their negotiations through the

1 mediator and would like additional time to complete the mediation prior to the scheduled case  
2 management conference.

3 2. As reported in the last case management conference statement, if the mediation is  
4 unsuccessful, the parties anticipate that the scope of this case will require expanding the limits of  
5 discovery. For example, based on the information gathered thus far, the Receiver anticipates  
6 needing to take at least 25 fact depositions. In addition, defendants intend to address with  
7 plaintiff and the Court the possibility of staging such discovery around potentially dispositive  
8 motions.

9 3. Given the complexity and cost of scheduling such discovery and possible motions,  
10 rather than dedicate the resources to exploring these issues now, the parties request that the case  
11 management conference be postponed one month to allow time for the parties to complete the  
12 mediation process.

13 4. Accordingly, the parties stipulate for an Order continuing the case management  
14 conference currently scheduled for March 7, 2011, to April 11, 2011 or as soon thereafter as the  
15 Court may deem appropriate.

16 **SO STIPULATED.**

17 Dated: February 18, 2011

FUTTERMAN DUPREE  
DODD CROLEY MAIER LLP

18  
19 By: /s/ Jamie L. Dupree  
Jamie L. Dupree  
Attorneys for Receiver J. Clark Kelso

20  
21 Dated: February 22, 2011

EDMUND G. BROWN, JR.  
Attorney General of California  
ZACKERY P. MORAZINNI  
Supervising Deputy Attorney General

22  
23 By: Michelle M. Mitchell (s.d.)  
Michelle M. Mitchell  
Deputy Attorney General  
24  
25 Attorneys for California Department of Corrections  
26 and Rehabilitation  
27  
28

1 Dated: February 22, 2011

WATT, TIEDER, HOFFAR & FITZGERALD LLP

2 By: Garrett E. Dillon J. 17.

3 Bennett J. Lee  
4 Garrett E. Dillon  
5 Sara K. Hayden

6 Attorneys for Plaintiff Medical Development  
7 International

8 **[PROPOSED] ORDER**

9 Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case  
10 management conference currently set for March 7, 2011 be and hereby is continued to April 11,  
11 2011 at 1:30 p.m.

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 Dated: 02/23, 2011

