

1 KAMALA D. HARRIS  
 Attorney General of California  
 2 ZACKERY P. MORAZZINI  
 Supervising Deputy Attorney General  
 3 MICHELLE M. MITCHELL  
 Deputy Attorney General  
 4 State Bar No. 188467  
 1300 I Street, Suite 125  
 5 P.O. Box 944255  
 Sacramento, CA 94244-2550  
 6 Telephone: (916) 327-7891  
 Fax: (916) 324-8835  
 7 E-mail: MichelleM.Mitchell@doj.ca.gov  
*Attorneys for Defendant*  
 8 *California Department of Corrections and*  
*Rehabilitation*

9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12

13  
 14 **MEDICAL DEVELOPMENT**  
**INTERNATIONAL, a Delaware corporation,**

15 Plaintiff,

16 v.

17  
 18 **THE CALIFORNIA DEPARTMENT OF**  
**CORRECTIONS AND REHABILITATION;**  
 19 **J. CLARK KELSO, in his capacity as**  
**receiver, and DOES 1 through 20, inclusive,**

20 Defendants.  
 21

22 **J. CLARK KELSO, in his capacity as**  
**receiver,**

23 Counter-claimant,  
 24

25 v.

26 **MEDICAL DEVELOPMENT**  
**INTERNATIONAL, a Delaware corporation,**  
 27 Counter-defendant.  
 28

3:10-cv-00443-TEH

**STIPULATION FOR ORDER AND**  
~~**PROPOSED**~~ **ORDER CONTINUING**  
**CASE MANAGEMENT CONFERENCE**  
**SCHEDULED FOR AUGUST 22, 2011**  
**TO AFTER SEPTEMBER 26, 2011**

Honorable Thelton E. Henderson

**AS MODIFIED BY THE COURT**

1 Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court’s Standing  
2 Order, the parties, by and through their respective counsel, Greenberg Traurig, LLP for Plaintiff  
3 and Counter-defendant Medical Development International (“MDI”); Futterman Dupree Dodd  
4 Croley Maier LLP for Defendant and Counter-claimant J. Clark Kelso, in his capacity as the  
5 Receiver, (“Receiver”), and the California Office of the Attorney General for Defendant  
6 California Department of Corrections and Rehabilitation (“CDCR”), stipulate for an Order  
7 continuing the case management conference, currently set for August 22, 2011, to a date after  
8 September 26, 2011. This stipulation is based on the following facts:

9 1. Since the mediation session held on February 14, 2011, the parties have continued  
10 their negotiations through the mediator.

11 2. The parties have reached a tentative settlement, but are still negotiating final  
12 settlement language. As a result, the parties would like additional time to circulate the proposed  
13 settlement agreement and to avoid incurring unnecessary legal fees and costs.

14 3. If the parties are unable to finalize the settlement agreement and are required to  
15 pursue the litigation, the parties anticipate that the scope of this case will require expanding the  
16 limits of discovery. For example, based on the information gathered thus far, the Receiver and  
17 CDCR anticipate needing to take at least 25 fact depositions. In addition, defendants intend to  
18 address with plaintiff and the Court the possibility of staging such discovery around potentially  
19 dispositive motions.

20 4. Given the parties’ tentative settlement and the complexity and cost of scheduling  
21 discovery and possible motions which would be required if the case is not settled, the parties  
22 request that the case management conference be postponed to allow time for the parties to  
23 complete the settlement process and avoid incurring unnecessary fees and costs.

24 5. Accordingly, the parties stipulate for an Order continuing the case management  
25 conference currently scheduled for August 22, 2011, to a date after September 26, 2011.

26 **SO STIPULATED.**

1 Dated: August 10, 2011

KAMALA D. HARRIS  
Attorney General of California  
CONSTANCE LELOUIS  
Supervising Deputy Attorney General

2

3

4

By:           /s/ Michelle M. Mitchell            
Michelle M. Mitchell  
Deputy Attorney General

5

Attorneys for California Department of Corrections  
and Rehabilitation

6

7 Dated: August 10, 2011

FUTTERMAN DUPREE  
DODD CROLEY MAIER LLP

8

9

By:           /s/ Martin H. Dodd            
Martin H. Dodd  
Jaime L. Dupree

10

Attorneys for Receiver J. Clark Kelso

11

12 Dated: August 10, 2011

GREENBERG TRAUIG, LLP

13

By:           /s/ M. Theresa Tolentino Meehan            
M. Theresa Tolentino Meehan  
Jeremy A. Meier  
Ray A. Sardo

14

15

Attorneys for Medical Development International

16

17

**~~[PROPOSED]~~ ORDER**

18

Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case  
management conference currently set for August 22, 2011, be and hereby is continued to  
19 \_\_October 3, 2011\_\_, at 1:30 p.m. If the parties have not completed their settlement agreement  
20 by that time, they shall file a joint case management conference statement on or before  
21 September 26, 2011.

22

23

24

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

25

26

Dated:           08/11          , 2011

27

28

