

1 JONATHAN B. COLE (SBN 70460)  
*jcole@nemecek-cole.com*  
2 MATTHEW J. HAFEY (SBN 167122)  
*mhafey@nemecek-cole.com*  
3 NEMECEK & COLE  
A Professional Corporation  
4 15260 Ventura Boulevard, Suite 920  
Sherman Oaks, California 91403-5344  
5 Telephone: (818) 788-9500  
Facsimile: (818) 501-0328  
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Attorneys for Plaintiff  
7 JAMES RIVER INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10  
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12 JAMES RIVER INSURANCE COMPANY, )  
an Ohio corporation, )  
13 )  
Plaintiff, )  
14 )  
-vs- )  
15 )  
DIANA'S CARE HOME, a business entity )  
16 form unknown; NESTOR CASTANEDA, an )  
individual; DIANA CASTANEDA, an )  
17 individual; ESTRELLA ROTHSTEIN, an )  
individual; HECTOR REYNA, by and )  
18 through his successor in interest TRACY )  
MARLENE REYNA, an individual; TRACY )  
19 MARLENE REYNA, an individual; )  
HAYWARD SISTERS HOSPITAL, INC., a )  
20 California corporation; NADHI, INC., a )  
California corporation; THC ORANGE )  
21 COUNTY, INC., a California corporation, )  
22 )  
Defendants. )

**Case No. C-10-00446 BZ**  
~~PROPOSED~~ **ORDER RE**  
**STIPULATION TO DISMISS**  
**COMPLAINT AGAINST HAYWARD**  
**SISTERS HOSPITAL, INC. WITHOUT**  
**PREJUDICE AND AGREEMENT TO**  
**BE BOUND BY JUDGMENT**

23  
24 Having considered the Stipulation of the Parties and GOOD CAUSE APPEARING  
25 THEREFOR, IT IS HEREBY ORDERED AS FOLLOWS:

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1           1.       Defendant HAYWARD SISTERS HOSPITAL, INC. (“HSH”) is hereby dismissed  
2 from this action WITHOUT prejudice;

3           2.       HSH shall cooperate with the pending litigation by making the person who was/is  
4 employed at HSH who is most qualified to testify pursuant to Fed.R.Civ.P. 30(b)(6) available for the  
5 giving of his or her deposition and/or trial testimony without the need for subpoena upon reasonable  
6 Notice made by mail to HSH’s attorney of record, Martin Everson, Esq., Galloway, Lucchese,  
7 Everson & Picchi, APC, 1676 North California Boulevard, Suite 500, Walnut Creek, CA 94596  
8 pursuant to the Federal Rules of Civil Procedure as if it were still a party. HSH agrees to this  
9 arrangement, that it is subject to the jurisdiction of this Court, and that it will accept service of any  
10 Notice of Deposition or Notice to Appear at Trial via United States Mail and be bound thereby during  
11 the pendency of this Action.

12           3.       HSH may, at its option, agree to participate in settlement discussions before a  
13 Magistrate Judge or other settlement officer duly appointed by the above-entitled Court upon  
14 reasonable notice to Ms. Feusner, as if it were a party to this Action.

15           4.       HSH has waived any rights under California Code of Civil Procedure Section 1989 or  
16 its equivalent under the Federal Rules of Civil Procedure and is ordered provide the person who  
17 was/is employed at HSH who is most qualified to testify at trial in the pending litigation on notice as  
18 set forth above as if it were still a party regardless of its principal place of business at the time of  
19 service.

20           5.       Unless HSH successfully intervenes or is otherwise joined in the litigation of this  
21 Action (in which case HSH may litigate on the merits), HSH shall be bound by any judgment  
22 ultimately rendered as to Nestor Castaneda, Diana Castaneda, Estrella Rothstein and/or Diana’s Care  
23 Home as though it were still a party to this Action. The Court retains jurisdiction over HSH for the  
24 purpose of entering said judgment.

25           6.       JAMES RIVER and HSH shall each bear their own costs and attorney fees as respects  
26 HSH.

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