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 9 THERESA M. O'BRIEN

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 THERESA M. O'BRIEN,)
 13)
 14 Plaintiff,)
 15 vs.)
 16 JANET NAPOLITANO, SECRETARY,)
 17 DEPARTMENT OF HOMELAND)
 18 SECURITY,)
 19 Defendant.)

Case No.: C10-1830 EDL

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND FACT
 DISCOVERY FOR THE LIMITED
 PURPOSE OF OBTAINING
 PLAINTIFF'S MEDICAL RECORDS
 FROM TWO PROVIDERS**

STIPULATION

Plaintiff Theresa O'Brien and Defendant Janet Napolitano (hereinafter, collectively, "the parties"), by and through their respective counsel of record, and subject to Court approval, stipulate to the following:

1. The date originally set by the Court for completion of fact discovery was September 1, 2011.
2. The parties have completed all fact discovery consisting of a round of written discovery and the depositions of the principal fact witnesses including the plaintiff, her treating physician, and five defense witnesses.
3. Plaintiff objected that Defendant's Special Interrogatory No. 1 which requested a listing of all of Plaintiff's medical providers was temporally overbroad. In order to avoid the necessity of filing discovery motions, the parties recently concluded their efforts to meet and

1 confer on this issue and agreed to limit the temporal scope of discovery of the medical records to
2 records from January 2003 to the present.

3 4. Accordingly, the parties agree to extend fact discovery for the limited purpose of
4 allowing Defendant to subpoena medical records from January 2003 to the present, **excluding all**
5 **psychiatric and mental health records**, in the possession of the following providers:

- 6 a. Dr. Carlin Chi of South San Francisco Clinic, San Mateo Health System;
- 7 b. Oregon Health Sciences University Hospitals and Clinics.

8 5. The parties have not previously requested any extensions in this matter.

9 **IT IS SO STIPULATED.**

10 Dated: September 8, 2011 LAW OFFICES OF MICHAEL S. SORGEN

11
12 By: /s/ Joyce Kawahata
13 Joyce Kawahata
14 Attorneys for Plaintiffs

15 Dated: September 8, 2011 MELINDA L. HAAG
16 UNITED STATES ATTORNEY

17 By: /s/
18 Juan D. Walker
19 Assistant United States Attorney
20 Attorneys for Defendant

21 **ORDER**

22 Good cause appearing therefor, IT IS SO ORDERED.

23 Dated: September 9, 2011
24 Elijah D. Laporte
25 Hon. Elizabeth Laporte
26 United States District Court Judge
27 Magistrate
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