

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAYCEE DUGARD, individually, and as
Guardian ad Litem for her Minor Children,
Plaintiffs

v.

UNITED STATES OF AMERICA, and
DOES 1-10, inclusive,
Defendants.

Case No. CV-11-4718-CTB

ORDER REGARDING
SUPPLEMENTAL BRIEFING
ON UNITED STATES' MOTION
TO DISMISS

Hon. Carlos T. Bea

Defendant United States is ordered to address by letter brief, within 10 days from the date of this order, the following issue:

The government has taken the position that determining subject matter jurisdiction under the discretionary function exception to the FTCA involves a "close connection"/"tight coupling" test of causation, rather than the state law concepts of causation. The government shall provide authority for this proposition, and state how this proposition can be reconciled with *Vickers v. United States*, 228 F.3d 944 (9th Cir. 2000) .

Plaintiff Dugard shall reply by letter brief within 5 days of the filing of the government's letter brief.

Plaintiff Dugard is ordered to address by letter brief, within 10 days from the date of this order, the following issue:

Does the parole board have a mandatory duty to hold the parole revocation hearing referenced in 28 C.F.R. § 2.40-19? How may the mandatory parole revocation referenced in 28 C.F.R. § 2.40-19 be best reconciled with 28 C.F.R. § 2.40-13, which appears to allow intervention or sanction rather than a hearing and parole revocation? In any case, does 28 C.F.R. § 2.40-19, in Manual form, create a mandatory duty as to the board's decision?

Defendant United States shall reply by letter brief within 5 days of the filing of Dugard's brief.

No brief referenced in this order shall exceed 3,000 words in length.

SO ORDERED.

Date: JAN 11 2012

Carlos Bea

The Honorable Carlos T. Bea
UNITED STATES CIRCUIT JUDGE