

1 Thomas F. Bertrand, State Bar No. 056560  
 2 Richard W. Osman, State Bar No. 167993  
 3 BERTRAND, FOX & ELLIOT  
 4 The Waterfront Building  
 5 2749 Hyde Street  
 6 San Francisco, California 94109  
 7 Telephone: (415) 353-0999  
 8 Facsimile: (415) 353-0990  
 9 Email: [rosman@bfesf.com](mailto:rosman@bfesf.com)

10 Attorneys for Defendants  
 11 COUNTY OF SONOMA, SONOMA COUNTY  
 12 SHERIFF'S OFFICE, ERIC SALKIN, CHRISTOPHER  
 13 HASS and MARK FUSTON

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 PETER JUSTIN LANG,  
 17  
 18 Plaintiff,

19 v.

20 COUNTY OF SONOMA, SONOMA  
 21 COUNTY SHERIFF'S OFFICE, ERIC  
 22 SALKIN, CHRISTOPHER HASS and MARK  
 23 FUSTON,  
 24  
 25 Defendants.

Case No. CV-12-0983 TEH

**STIPULATION TO SUBMIT MATTER TO  
 PRIVATE MEDIATION IN LIEU OF EARLY  
 NEUTRAL EVALUATION AND TO COMPLETE  
 MEDIATION AFTER THE PRESENTLY-  
 SCHEDULED ENE DEADLINE**

26 The parties, by and through their respective counsel, hereby stipulate and request that they be  
 27 permitted to submit this matter to private mediation instead of the presently-ordered Early Neutral  
 28 Evaluation and request that they be permitted to complete the private mediation after January 3, 2013—  
 the date presently scheduled ENE—based on the following:

1. On October 15, 2012, this matter was referred to Early Neutral Evaluation. Thereafter, ENE Evaluator James Fitzpatrick was assigned to the matter. ENE was scheduled for January 3, 2012. During the pre-ENE conference call, Mr. Fitzgerald indicated a belief that this matter is better suited to mediation than ENE.

1           2.       Counsel for all parties extensively met and conferred between November 1, 2012 and  
2 present and agree that private mediation is a better ADR process for this matter and is more likely to lead  
3 to eventual resolution of this case.

4           3.       Counsel have contacted Mr. Fitzgerald and explained their desire to submit the matter to  
5 private mediation and that the present stipulation will be filed, requesting private mediation.

6           4.       The parties have agreed to use the service of mediator James Larson with JAMS and have  
7 obtained multiple available dates from JAMS during January and February 2013.

8           5.       Counsel for defendants is scheduled for trial in Marin County Superior Court from  
9 January 8, 2012 to January 18, 2013.

10          6.       On November 14, 2012, Plaintiff Peter Lang underwent two surgical procedures related to  
11 the incident giving rise to his Complaint. These surgeries were to further repair his fractured shoulder and  
12 to remove a metal plate from his fractured knee which had been surgically repaired on the night  
13 following the incident. Both of these surgeries were performed at Kaiser Permanente in Santa Rosa, and  
14 the records and billings acquisitions are handled by HealthCare Recoveries for Kaiser Permanente  
15 Counsel for plaintiffs has had difficulty obtaining medical billing records from Healthcare Recoveries,  
16 which forwarded four sets of request forms, general and special HIPAA authorizations, and  
17 reimbursement guarantee contracts related to plaintiff's surgeries. Although the documents were fully  
18 executed and the medical records and billing statements were requested on an expedited basis, Plaintiff's  
19 counsel has received correspondence from Healthcare Recoveries indicating that its actual production of  
20 these records and corresponding bills will be at least 60 days, which calculates to February 14, 2013.  
21 These records and itemized billing statements are important, if not essential, to a possible resolution of  
22 the Plaintiff's claim.

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