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6 Attorneys for Defendants LIBERTY UNION
 HIGH SCHOOL DISTRICT, et al.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

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 10 SARAH UNVERFERTH and P.C., a minor,
 by and through his guardian ad litem SARAH
 UNVERFERTH,

11 Plaintiffs,

12 v.

13 LIBERTY UNION HIGH SCHOOL
 14 DISTRICT, ERIC VOLTA, JOHN SAYLOR,
 15 PATRICK WALSH, JENNIFER KOETT,
 16 ILENE FOSTER, and SANDRA
 GUARDADO, and DOES 1-30,

17 Defendants.

Case No. 3:15-cv-01721-EMC

**STIPULATION AND [PROPOSED]
 ORDER TO (1) EXTEND TIME TO
 COMPLETE MEDIATION AND (2)
 CONTINUE FURTHER STATUS
 CONFERENCE**

Judge: Hon. Edward M. Chen

18 **STIPULATION**

19 Plaintiffs SARAH UNVERFERTH and P.C., a minor, by and through his guardian ad litem
 20 Sarah Unverferth (collectively “Plaintiffs”) and Defendants LIBERTY UNION HIGH SCHOOL
 21 DISTRICT, ERIC VOLTA, JOHN SAYLOR, PATRICK WALSH, JENNIFER KOETT, ILENE
 22 FOSTER, and SANDRA GUARDADO (collectively “Defendants”), by and through their counsel,
 23 hereby stipulate as follows:

24 WHEREAS, the Court, following the November 9, 2015 Case Management Conference, issued
 25 Civil Minutes [Doc. 59] and a Case Management and Pretrial Order [Doc. 60], (1) referring this matter
 26 to ADR for mediation, (2) ordering that such mediation be completed within 120 days – i.e., by
 27 **March 8, 2016**, (3) allowing the Parties to conduct limited discovery to facilitate said mediation, and
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1 (4) setting the matter for a post-mediation Further Status Conference on April 14, 2016.

2 WHEREAS, the crux of Plaintiff P.C.'s damages claim in this action is founded upon the
3 contention that he has suffered physical injuries as well as significant psychological and emotional
4 harm as a result of Defendants' conduct;

5 WHEREAS, with respect to Plaintiff P.C.'s damages claim, Defendants, who also contest all
6 other aspects of Plaintiffs' claims, including liability and causation, contend, among other things, that
7 Plaintiff P.C. did not suffer the alleged injuries for which he now seeks recovery, and/or that such
8 alleged injuries/conditions were pre-existing and/or were otherwise not caused by any unlawful,
9 wrongful, negligent, or other conduct by Defendants sufficient to give rise to a finding of liability
10 against, or warrant recovery from, Defendants for such injuries.

11 WHEREAS, the Parties, in a good faith effort to facilitate discovery and prepare for mediation,
12 have already met and conferred regarding, and agreed upon, the scope of Defendants' discovery
13 relating to Plaintiff P.C.'s mental health history and records, along with the form and language of the
14 HIPAA release form to be used in connection with the subpoena of such records; and Defendants have
15 requested and Plaintiffs have agreed to provide information concerning the several mental health
16 providers/facilities that provided Plaintiff P.C. with services, prior and subsequent to the subject
17 incident, so as to allow Defendants to obtain Plaintiff P.C.'s mental health records from such
18 providers;

19 WHEREAS, Defendants have not yet been able to obtain Plaintiff P.C.'s mental health
20 records, as Plaintiff P.C.'s guardian ad litem, Sarah Unverferth, despite her ongoing diligence and
21 good faith efforts, is still in the process of gathering, but has not yet been able to provide Defendants,
22 the information necessary to obtain such records;

23 WHEREAS, the Parties agree that Plaintiff P.C.'s mental health records are essential to the
24 parties and mediator's ability to evaluate Plaintiffs' claims, particularly concerning the issues of
25 causation and damages;

26 WHEREAS, the Parties also believe and agree that, due to the unanticipated delay in
27 discovery, which occurred despite the Parties' reasonable efforts otherwise, there exists good cause to
28 continue the March 8, 2016 mediation deadline, so as to allow the Parties sufficient time to obtain the

1 information necessary to engage in a meaningful and productive mediation;

2 IT IS HEREBY STIPULATED, by and among the Parties to this action, that, based on the
3 foregoing, and in consideration of counsels' existing trial calendar, the Parties' March 8, 2016
4 deadline to complete **MEDIATION** shall be continued to **June 22, 2016**, and the April 14, 2016
5 **FURTHER STATUS CONFERENCE** shall be continued **July 18, 2016**.

6 **IT IS SO STIPULATED.**

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8 Dated: January 21, 2016

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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By: /s/ STEPHANIE Y. WU

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Stephanie Y. Wu

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Attorneys for Defendants LIBERTY UNION HIGH
SCHOOL DISTRICT, ERIC VOLTA, JOHN
SAYLOR, PATRICK WALSH, JENNIFER
KOETT, ILENE FOSTER, and SANDRA
GUARDADO

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Dated: January 21, 2016

LAW OFFICES OF TODD BOLEY

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By: /s/ JUSTIN P. YOUNG

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Justin P. Young

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Attorneys for Plaintiffs SARAH UNVERFERTH
and P.C., a minor, by and through his guardian ad
litem SARAH UNVERFERTH

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1 [PROPOSED]

2 **ORDER**

3 Pursuant to the foregoing Stipulation of the Parties, it is hereby ordered that:

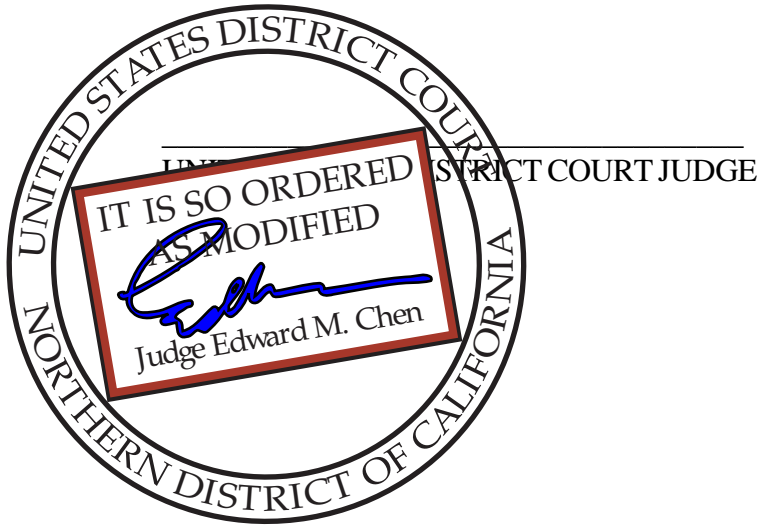
4 1. The Parties' March 8, 2016 deadline to complete **Mediation** is continued to **June 22,**
5 **2016,** and

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6 2. The April 14, 2016 **Further Status Conference** is continued to **July 18, 2016.**

7 **IT IS SO ORDERED.**

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9 Dated: January ²⁷ __, 2016



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