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6 Attorneys for Plaintiff  
 7 CHRISTOPHER WADSWORTH, M.D.

8 *Additional counsel identified on following pages*

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 CHRISTOPHER S. WADSWORTH, M.D.,

14 Plaintiff,

15 v.

16 JEFFREY BEARD; J. CLARK KELSO;  
 17 TIMOTHY BELAVICH; RACHEL CHEN;  
 18 COURTNEY CORRADO; EUREKA DAYE;  
 19 ANDREW DEEMS; ERIC MONTHEI; CHERA  
 20 VAN BURG; LAURA WHYTE; and DOES 1  
 21 through 50, inclusive,

22 Defendants.

Case No. 3:15-cv-02322-EMC

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT ; ORDER**

Date: March 17, 2016

Time: 9:30 a.m.

Place: Courtroom 5, 17<sup>th</sup> Floor

Judge: Honorable Edward M. Chen

Date Action Filed: 5/22/2015

First Amended Complaint Filed: 6/3/2015

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10 Courtney Corrado, Chera Van Burg, and Laura Whyte

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6 Counsel for Andrew Deems

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1 **JOINT CASE MANAGEMENT CONFERENCE STATEMENT**

2 On December 23, 2015, Plaintiff Christopher Wadsworth, and Defendants Jeffrey Beard,  
3 Timothy Belavich, Rachel Chen, Courtney Corrado, Eureka Daye, Andrew Deems, Eric Monthei,  
4 Chera Van Burg, Laura Whyte, and J. Clark Kelso (collectively, the “Parties”), through their  
5 respective counsel, filed a Stipulation to Stay proceedings in the above-captioned federal litigation  
6 due to two related proceedings currently pending before the California State Personnel Board: (1)  
7 *In the Matter of Alleged Retaliation by Timothy Belavich, Eureka Daye, Andrew Deems, and Eric*  
8 *Monthei*, a whistleblower case (Case No. 15-365WE); and (2) *Christopher Wadsworth v.*  
9 *California Department of Corrections and Rehabilitation, et al.*, an evidentiary hearing on a  
10 Request to File Charges (Case No. 15-355N). Plaintiff Wadsworth intends to assert claims in this  
11 federal litigation for which he must exhaust his administrative remedies, including some claims  
12 that first require the State Personnel Board to issue, or fail to issue findings, such that the Parties  
13 agreed that it would maximize judicial efficiency to stay this case pending resolution of the State  
14 Personnel Board proceedings.

15 On December 23, 2015, the Court granted the Parties’ Stipulation and removed all currently  
16 scheduled dates and deadlines from the calendar. The Court also reset the Case Management  
17 Conference previously scheduled for January 28, 2016 for March 17, 2016 and ordered the Parties  
18 to file a Case Management Conference Statement by March 10, 2016 “to confirm that the state  
19 board proceedings are moving forward and/or when parties expect a decision to be rendered.”

20 The Motion to Consolidate the whistleblower and RFC actions was denied. There is a  
21 pretrial conference scheduled for April 7, 2016 in the whistleblower case (Case No. 15-365WE),  
22 and the parties expect the evidentiary hearing in that matter to be completed no later than the end of  
23 2016. There has not been a date scheduled to hear the RTFC matter.

24 For the same reasons contained in the Parties’ Stipulation to Stay, the Parties jointly agree  
25 that the Court should continue to stay this case until the State Personnel Board issues its final  
26 decision pursuant to Government Code 19582 in *In the Matter of Alleged Retaliation by Timothy*  
27 *Belavich, Eureka Daye, Andrew Deems, and Eric Monthei* (Case No. 15-0365WE). The Parties  
28

1 will file a status report within fifteen (15) days of the date on which the State Personnel Board  
2 issues its final decision pursuant to Government Code 19582 in Case No. 15-0365WE. The status  
3 report shall (a) apprise the Court of the outcome of the proceeding; and (b) propose dates for the  
4 filing of Plaintiff Wadsworth's Second Amended Complaint in this Case, for the filing of  
5 Defendants' responsive pleadings, and for the Case Management Conference; or advise whether  
6 the Parties believe the stay should continue until the conclusion of the RTFC matter.

7  
8 RUKIN HYLAND DORIA & TINDALL LLP

9 Dated: March 10, 2016

10 By:         /s/ John F. Hyland        

11 John F. Hyland  
12 Jessica Rigglin

13 Counsel for Plaintiff Chris Wadsworth

14 Dated: March 10, 2016

OFFICE OF THE ATTORNEY GENERAL

15 By:         /s/ Lyn Harlan        

16 Lyn Harlan

17  
18 Counsel for Jeffrey Beard, Rachel Chen, Courtney  
19 Corrado, Chera Van Burg, and Laura Whyte

20 Dated: March 10, 2016

FUTTERMAN DUPREE DODD CROLEY MAIER  
LLP

21 By:         /s/ Martin Dodd        

22 Martin Dodd

23 Counsel for J. Clark Kelso

24 Dated: March 10, 2016

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

25 By:         /s/ David Tyra        

26 David Tyra  
27 Meredith Packer Garey

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Counsel for Eureka Daye and Timothy Belavich

Dated: March 10, 2016

ANGELO, KILDAY & KILDUFF, LLP

By:       /s/ Kevin Dehoff      

Carolee Kilduff  
Kevin Dehoff

Counsel for Eric Monthei

Dated: March 10, 2016

VAN DERMYDEN MADDUX

By:       /s/ Sue Ann Van Dermynen      

Sue Ann Van Dermynen  
Janine Braxton

Counsel for Andrew Deems

**LOCAL RULE 5-1 ATTESTATION**

I, John F. Hyland, am the ECF user whose ID and password are being used to file this Substitution of Counsel form. In compliance with Local Rule 5-1(i)(3), I hereby attest that: Lyn Harlan, Martin Dodd, David Tyra, Kevin Dehoff, and Sue Ann Van Dermynen have concurred in the filing of this document with their electronic signatures.

Dated: March 10, 2016

RUKIN HYLAND DORIA & TINDALL LLP

IT IS SO ORDERED that the CMC is reset from 3/17/16 to 12/15/16 at 9:30 a.m. An updated joint CMC statement shall be filed by 12/8/16.

By:       /s/ John F. Hyland      

John F. Hyland

Counsel for Plaintiff Chris Wadsworth

\_\_\_\_\_  
Edward M. Chen  
U.S. District Judge

