

1 Anne L. Keck, SBN 136315
2 KECK LAW OFFICES
3 418 B Street, Suite 206
4 Santa Rosa, California 95401
5 Telephone: (707) 595-4185
6 Facsimile: (707) 657-7715
7 Email: akeck@public-law.org

8 Attorneys for Defendants the
9 County of Mendocino and
10 Mendocino County Sheriff-
11 Coroner Thomas Allman,
12 Capt. Timothy Pearce, Lorrie Knapp,
13 Frank Masterson, Craig Bernardi,
14 Michael Grant, Jeanette Holum,
15 Robert Page, & Christine De Los Santos

John W. Patton, Jr., *Pro Hac Vice*
Stephen R. Niemeyer, SBN 203162
Kathleen M. Kunkle, SBN 222800
Kathryn R. Vaughan, *Pro Hac Vice*
PATTON & RYAN LLC
330 North Wabash Ave., Suite 3800
Chicago, Illinois 60611
Telephone: (312) 261-5160
Facsimile: (312) 261-5161
Emails: jpatton@pattonryan.com
sniemeyer@pattonryan.com
kkunkle@pattonryan.com
kvaughan@pattonryan.com

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 JAMES NEUROTH, *et al.*,

14 Plaintiffs,

15 v.

16 MENDOCINO COUNTY, *et al.*,

17 Defendants.

Case No. 3:15-CV-03226-RS

**JOINT STIPULATION TO MODIFY
CASE MANAGEMENT SCHEDULING
ORDER AND OTHER DATES;
[PROPOSED] ORDER**

18 This Joint Stipulation to Modify Case Management Scheduling Order and Other Dates is
19 submitted by all parties in this action, through their respective counsel, including: Plaintiff James
20 Neuroth (“Plaintiff”); Defendants the County of Mendocino, Mendocino County Sheriff Thomas
21 Allman, Sheriff’s Captain Timothy Pearce, and current/former Sheriff’s Deputies Lorrie Knapp,
22 Frank Masterson, Craig Bernardi, Michael Grant, Jeanette Holum, Robert Page, and Christine De
23 Los Santos (collectively, “County Defendants”); California Forensic Medical Group, Inc., Dr. Taylor
24 Fithian, and LVN Jennifer Caudillo (collectively, “CFMG Defendants”); Correctional Medical
25 Group Companies, Inc., RN Elaine Hustedt, and RN Claire Teske (collectively, “CMGC
26 Defendants”); and the City of Willits, former Willits Police Chief Gerardo Gonzalez, and
27 current/former Willits Police Officers Kevin Leef and Jeff Andrade (collectively, the “Willits
28 Defendants”). Pursuant to this Stipulation, the parties jointly request the Court to modify the pretrial

1 and trial dates set out in its previous Case Management Scheduling Order entered on September 28,
2 2017 (Dkt. No. 209, the “Scheduling Order”), as well as other dates, as set forth below.

3 **RECITALS**

4 A. The course and schedule of events in this case have caused the parties to reevaluate
5 the remaining dates set in the Court’s previous Scheduling Order (Dkt. No. 209), which are presently
6 as follows:

- 7 • December 29, 2017: disclosure of rebuttal/supplement expert witnesses
8 (Expert Disclosures per Rule 26 completed on November 30, 2017);
- 9 • January 4, 2018: last day to file dispositive motions;
- 10 • January 31, 2018: close of expert witness discovery;
- 11 • February 8, 2018: last day for hearing on pre-trial motions;
- 12 • March 29, 2018, at 10:00 a.m.: final pre-trial conference; and
- 13 • April 30, 2018, at 9:00 a.m.: jury trial to commence.

14 B. The Courtroom Deputy has indicated the Court is available for a trial starting on
15 January 7, 2019, and the parties have agreed to this new trial date. The parties estimate that the trial
16 in this case will take approximately 5 weeks.

17 C. The parties request the Court to revise the pretrial and trial dates set out in the
18 previous Scheduling Order for several reasons, including but not limited to the following:

- 19 1. Lead counsel for County Defendants, Anne Keck, has informed the parties
20 that she requires substantial additional time to provide rebuttal/supplemental expert disclosures and
21 prepare her clients’ motion for summary judgment due in part to the effects of the Tubbs Fire on her
22 family and work schedule.
- 23 2. On December 13, 2017, County Defendants learned that their primary retained
24 medical expert, Dr. Joseph Hartmann, has suffered medical problems requiring him to withdraw
25 from this case, so they will need additional time to locate and present the report of a replacement
26 expert; Plaintiff also requires 30 days to disclose a rebuttal expert thereafter.
- 27 3. The parties have identified 21 expert witnesses whose depositions will be
28 taken, and additional depositions will be required for rebuttal/supplement experts.

1 4. Due to limitations in all counsel’s schedules, the first available date for expert
2 witness depositions is January 15, 2018, with only 8 days thereafter available in January.

3 5. Defendants have requested completion of expert witness depositions in
4 sufficient time to obtain/review transcripts and prepare motions for summary judgment.

5 6. Plaintiff’s counsel has requested an extension of the briefing schedules for
6 Defendants’ proposed four separate summary judgment motions and for motions in limine, to which
7 Defendants do not object in concept.

8 7. Plaintiff needs time to complete the punitive damages discovery that Judge
9 Vadas ordered to take place after the Court issues its order addressing Defendants’ four separate
10 motions for summary judgment (docs. 149, 198).

11 8. The parties are mindful of the Court’s busy docket, and that it may take
12 considerable time for the Court to issue a summary judgment order after the hearing on those
13 motions.

14 9. One or more of the parties may re-evaluate their settlement positions in light
15 of the summary judgment order and may seek a further settlement conference with Judge Beeler at
16 that time as well.

17 D. Plaintiff’s counsel also believes that setting an early pretrial conference would be
18 beneficial to allow sufficient time for the court to decide motions in limine and for the possibility of
19 a further settlement conference with Judge Beeler after motions in limine are decided. Having gone
20 into trial in what Plaintiff believes is a very similar case jail wrongful death case with very similar
21 parties and issues [*M.H. v. County of Alameda*, No. 11-cv-02868-JST, 62 F. Supp. 3d 1049 (N.D.
22 Cal. 2014) – a case that settled a week into trial], Plaintiff’s counsel has learned that a case like this
23 can be very burdensome on the Court and the parties, and that summary judgment and motions in
24 limine are likely to require substantial time and attention, and may not be fully resolved until
25 sometime after the pretrial conference. Thus, Plaintiff’s counsel believes that moving up the pretrial
26 conference would allow time for the parties and the Court to address these issues without
27 unnecessarily pressing up on the new trial date, and leaving time for settlement conferences before
28

1 trial.

2 WHEREFORE, the parties hereby agree and request entry of an order as follows:

3 **AGREEMENT**

4 1. The parties request the Court to modify the current Scheduling Order and set a
5 dispositive motion briefing schedule as follows:

- 6 a. January 15, 2018: Last day to designate supplemental/rebuttal expert
7 witnesses.
- 8 b. January 22, 2018: Last day for County Defendants to designate
9 replacement medical expert witness for Dr. Joseph Hartmann.
- 10 c. February 19, 2108: Last day for Plaintiff to designate rebuttal expert to
11 County Defendants' replacement expert.
- 12 d. March 15, 2018: Last day to complete discovery of expert witnesses.
- 13 e. April 19, 2018: Last day to file dispositive motions; briefing schedule for
14 dispositive motions to include 28 days for oppositions, 14 days for replies.
- 15 f. June 14, 2018: Last day to hear dispositive motions.
- 16 g. January 7, 2019, 9:00 a.m.: Commencement of Jury Trial

17 2. Subject to a later request to revise the following dates based on intervening
18 events, the parties request the Court to consider modifying the scheduling guidelines set out
19 in its Jury Trial Standing Order in this case as follows:

- 20 a. August 30, 2018: Last day to conduct meet and confer session (per the
21 Court's Jury Trial Standing Order, Section A).
- 22 b. September 13, 2018: Last day to file Motions in Limine, and last day to
23 file Joint Pretrial Statement and Proposed Order (per the Court's Jury
24 Trial Standing Order, Section B).
- 25 c. October 4, 2018: Oppositions to Motions in Limine due
- 26 d. October 18, 2018, at 10:00 a.m.: Final Pretrial Conference

27 3. Nothing in this Stipulation and request for order is intended to modify the other
28 matters addressed in any Court order unless expressly identified herein, nor does it preclude the
parties from seeking additional relief from this Court, to amend this stipulation and order or
otherwise.

1 IT IS SO STIPULATED.

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Keck Law Offices

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4 Dated: December 13, 2017

By: /s/ Anne L. Keck
Anne L. Keck
Attorneys for County Defendants

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Law Offices of Jerome M. Varanini

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7 Dated: December 13, 2017

By: /s/ Jerome M. Varanini
Jerome M. Varanini
Attorneys for CFMG Defendants

8

Bertling & Clausen LLP

9

10 Dated: December 13, 2017

By: /s/ Peter G. Bertling
Peter G. Bertling
Attorneys for CMGC Defendants

11

Perry, Johnson, Anders, Miller &
Moskowitz LLP

12

13 Dated: December 13, 2017

By: /s/ Scott A. Lewis
Scott A. Lewis
Attorneys for Willits Defendants

14

Haddad & Sherwin LLP

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16 Dated: December 13, 2017

By: /s/ Michael J. Haddad
Michael J. Haddad
Attorneys for Plaintiff

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19 * Approval in the filing of this document has been obtained from all signatories.

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1 **ORDER**

2 Based on the parties' stipulation, and with good cause appearing therefor,

3 IT IS HEREBY ORDERED that the previous Case Management Scheduling Order entered
4 on September 28, 2017 (Dkt. No. 209) is hereby modified, and that the following dates are set in the
5 instant case:

- 6 a. January 15, 2018: Last day to designate supplemental/rebuttal expert
7 witnesses.
- 8 b. January 22, 2018: Last day for County Defendants to designate
9 replacement medical expert witness for Dr. Joseph Hartmann.
- 10 c. February 19, 2108: Last day for Plaintiff to designate rebuttal expert to
11 County Defendants' replacement expert.
- 12 d. March 15, 2018: Last day to complete discovery of expert witnesses.
- 13 e. April 19, 2018: Last day to file dispositive motions; briefing schedule for
14 dispositive motions to include 28 days for oppositions, 14 days for replies.
- 15 f. June 14, 2018: Last day to hear dispositive motions.
- 16 g. August 30, 2018: Last day to conduct meet and confer session (per the
17 Court's Jury Trial Standing Order, Section A).
- 18 h. September 13, 2018: Last day to file Motions in Limine, and last day to
19 file Joint Pretrial Statement and Proposed Order (per the Court's Jury
20 Trial Standing Order, Section B).
- 21 i. October 4, 2018: Oppositions to Motions in Limine due
- 22 j. October 18, 2018, at 10:00 a.m.: Final Pretrial Conference
- 23 k. January 7, 2019, 9:00 a.m.: Commencement of Jury Trial

24 IT IS SO ORDERED.

25 Date: 12/14/17

26 
27 HONORABLE RICHARD SEEBORG
28 United States District Court Judge