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6 County Sheriff-Coroner Thomas D.
Allman, and Sheriff's Deputy
7 Kaitlyn Olson

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 JOELLE BURGESS, *et al.*,

12 Plaintiffs,

13 v.

14 COUNTY OF MENDOCINO, *et al.*,

15 Defendants.

Case No. 16-cv-02414-WHO

**JOINT STIPULATION REQUESTING AN
ORDER: (1) PERMITTING THE FILING OF A
FIRST AMENDED COMPLAINT; AND (2)
RESCHEDULING THE INITIAL CASE
MANAGEMENT CONFERENCE; ORDER**

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17 This Joint Stipulation is submitted by all named parties in this action, including: (1) Plaintiffs
18 Victoria Lee Dalbec, Jason Jay Havranek, Joelle Burgess, and Kara Marzan (collectively,
19 "Plaintiffs"); (2) Defendants the County of Mendocino, Mendocino County Sheriff-Coroner Thomas
20 Allman, and Sheriff's Deputy Kaitlyn Olson (collectively, "County Defendants"); and (3) Defendant
21 California Forensic Medical Group, Inc. ("CFMG Defendant").

22 The parties to this stipulation request the Court to enter an order: (1) allowing Plaintiffs to
23 file a first amended complaint; and (2) continuing the Case Management Conference currently
24 scheduled to occur in this matter on August 16, 2016, to September 27, 2016, at 2:00 p.m. The
25 parties submit that good cause supports their requests, as set forth below.

26 **RECITALS**

27 A. Plaintiffs filed their complaint in this case on May 3, 2016, seeking damages related
28 to the death of their mother, Gloria Burgess, who was a jail inmate held in the custody of the

1 Mendocino County Sheriff's Office. Plaintiffs' complaint avers causes of action based on 42 U.S.C.
2 § 1983, common law negligence, and California Government Code § 845.6, generally related to the
3 alleged deliberate indifference to the decedent's medical needs and interference with their familial
4 rights.

5 B. The parties agree that all named defendants have been properly served, either through
6 personal service or agreement of the parties to accept service via email through their counsel of
7 record. CFMG Defendant filed an answer to the complaint on July 1, 2016. County Defendants
8 have not yet responded to the complaint, based on the following.

9 C. Plaintiffs and County Defendants have been engaged in discussions with respect to
10 the viability of certain causes of action alleged in the complaint against certain defendants. Pursuant
11 to such discussions, Plaintiffs have agreed to amend their complaint to dismiss Sheriff Allman as a
12 defendant in the case and to remove other County Defendants from some of the causes of action. In
13 exchange for such amendments, County Defendants have agreed not to file a motion to dismiss on
14 those and other claims in the complaint. Plaintiff has also agreed not to add any additional causes of
15 action or defendants to the first amended complaint without the prior consent of the parties or the
16 Court. The CFMG Defendant has no objection to the filing of a first amended complaint under these
17 terms and conditions.

18 D. At the present time, the only matters scheduled in this case are an ADR Telephone
19 Conference set for August 15, 2016, and the Initial Case Management Conference set for August 16,
20 2016.

21 E. The parties request this Court to continue the August 16th Initial Case Management
22 Conference to September 27, 2016, at 2:00 p.m., or to a date/time thereafter as is convenient for the
23 Court. The bases for this request are twofold. First, rescheduling the Initial Case Management
24 Conference will allow time for the filing of the first amended complaint as well as Defendants'
25 answers to that complaint, which will put the case at issue thereby allowing the Court to address
26 scheduling and other case management issues at the conference. Second, counsel for County
27 Defendants has a conflict on the date currently set for the Initial Case Management Conference of
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1 August 16th, as her appearance is required in another county.

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

4 **STIPULATION**

5 1. The parties request this Court to enter an order allowing Plaintiffs to file a first
6 amended complaint in accordance with the terms and conditions set forth above, which shall be filed
7 no later than August 12, 2016.

8 2. The parties request the Court to enter an order rescheduling the Initial Case
9 Management Conference, currently set for August 16, 2016, to September 27, 2016, at 2:00 p.m.

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

14 Respectfully Submitted,

15 Dated: August 5, 2016

Keck Law Offices

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

18 Dated: August 5, 2016

Law Offices of Jerome M. Varanini

19 By: /s/ Jerome M. Varanini
20 Jerome M. Varanini
Attorneys for CFMG Defendant

21 Dated: August 5, 2016

Law Offices of John L. Burris

22 By: /s/ Benjamin Nisenbaum
23 Benjamin Nisenbaum
Attorneys for Plaintiffs

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ORDER


Pursuant to and in accordance with the foregoing Stipulation, and with good cause appearing,
IT IS HEREBY ORDERED as follows:

1. Plaintiffs are allowed to file a first amended complaint under the terms and conditions set forth in the parties' Stipulation, which shall be filed no later than August 12, 2016.

2. The Initial Case Management Conference, currently set to be held in this case on August 16, 2016, shall be rescheduled to September 27, 2016, at 2:00 p.m. The parties shall submit a joint case management statement at least one week prior to the Initial Case Management Conference.

IT IS SO ORDERED.

Date: August 8, 2016



HONORABLE WILLIAM H. ORRICK
United States District Court Judge