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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CRUZ HERNANDEZ, a minor, by and through
his Guardian ad Litem, Alicia Telles-Hernandez,

Plaintiff,

vs.

SUTTER MEDICAL CENTER OF SANTA
ROSA, DON CARLOS STEELE, M.D.,
NATASHA KAHL, M.D., and DOES 1 through
25, inclusive,

Defendants.

Case No: C 06-3350 SBA

**ORDER RE MOTION FOR ORDER
AUTHORIZING MINOR'S
COMPROMISE AND ATTORNEY
COSTS ONLY**

[Docket 180, 185]

This is a medical malpractice action brought by Plaintiff Cruz Hernandez, by and through his guardian ad litem, Alicia Telles-Hernandez. Plaintiff has settled with Defendants Sutter Medical Center and Dr. Natasha Kahl and those settlements have been approved by the Court. The United States previously substituted in place of Defendant Dr. Steele ("Defendant"). Trial against Defendant is set for May 18, 2009.


On February 17, 2009, Plaintiff filed a Third Amended Motion for Order Authorizing Compromise of Minor's Claim and for Attorney Costs Only. (Docket 180.) On February 20, 2009, Defendant filed two identical declarations, which evidently were intended to be oppositions to the motion. On April 3, 2009, Plaintiff filed a Revised Third Amended Motion for Order Authorizing Compromise of Minor's Claim and for Attorney Costs Only. (Docket 185.) On April 8, 2009, Defendant filed another declaration, again apparently intended to be an opposition to Plaintiff's motion. On April 16, 2009, Plaintiff filed a Fourth Amended Motion for Order Authorizing Compromise of Minor's Claim and for Attorney Costs Only. (Docket 193.) The hearing on the Motion is set for Tuesday, April 21, 2009.

1 The parties' haphazard filings are not in compliance with the Local Rules. However, in the
2 interests of judicial efficiency, and in view of the upcoming trial date, the Court will consider
3 Plaintiff's Fourth Amended Motion for Order Authorizing Compromise of Minor's Claim and for
4 Attorney Costs Only as the motion properly before the Court, provided that the parties first meet
5 and confer regarding the motion. Accordingly,

6 IT IS HEREBY ORDERED THAT by no later than April 22, 2009, the parties shall meet
7 and confer in person or by telephone to make a good faith attempt to resolve any disputes they may
8 have regarding the motion. By no later than the close of business on April 25, 2009, the Defendant
9 shall file either an opposition (not solely a declaration) or a statement of non-opposition. To the
10 extent that the Defendant elects to file an opposition, it shall provide substantive reasons for its
11 opposition, supported by citation to appropriate legal authorities and evidence, if appropriate. The
12 Court will take the motion under submission as of April 25, 2009 without oral argument. The
13 hearing on the motion currently scheduled for April 21, 2009 is VACATED. The Clerk shall
14 terminate Docket 180.

15 IT IS SO ORDERED.

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17 Dated: April 17, 2009



Hon. Sandra Brown Armstrong
United States District Judge

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