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15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

18 JUANITA FONSECA,

19 Plaintiff,

20 v.

21 KAISER FOUNDATION HOSPITALS and
 22 DOES 1 through 25, inclusive,

23 Defendants.

Case No.: CV 10 2832-CW

**JOINT STIPULATION AND ORDER TO
 EXTEND DEADLINE TO COMPLETE
 MEDIATION**

Complaint Filed: May 25, 2010

24 Plaintiff Juanita Fonseca ("Plaintiff") and Defendant Kaiser Foundation Hospitals
 25 ("Defendant"), through their respective counsel, agree and stipulate as follows:

1 WHEREAS, pursuant to the parties' October 5, 2010 Case Management
2 Conference, the Court ordered the parties to participate in private mediation by December
3 14, 2010.

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5 WHEREAS, in a good-faith effort to comply with the Court's Order, the parties
6 scheduled Plaintiff's deposition for November 23, 2010, and private mediation for December
7 9, 2010.

8
9 WHEREAS, despite Plaintiff's representation to her counsel that she would
10 appear for her deposition (and upon which representation Defendant's counsel confirmed
11 the participation of a court reporter, videographer, and Spanish language translator) Plaintiff
12 informed her attorney at approximately 10:30 a.m., thirty minutes after the time at which the
13 deposition was to begin, that she could not appear for her deposition due to her blood
14 pressure.

15
16 WHEREAS, due to Plaintiff's failure to appear for her November 23, 2010
17 deposition, the parties have rescheduled her deposition for December 9, 2010.

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19 WHEREAS, based on further assessment of this case since the parties' October
20 5, 2010 Case Management Conference, the parties believe Early Neutral Evaluation will be
21 better suited to the case than private mediation.

22
23 WHEREAS, based on all of the above, the parties agree that the current deadline
24 to complete mediation should be modified and moved to February 14, 2011, due to
25 Plaintiff's unpredictable health condition that renders it impossible to predict whether or not
26 she will be able to appear for her deposition and participate in an alternative dispute
27 resolution ("ADR") process on any given date.

28

ORDER

Having reviewed the Stipulation executed by Plaintiff Juanita Fonseca and Defendant Kaiser Foundation Hospitals and good cause appearing, the Court hereby orders as follows:

1. The parties' deadline to complete an ADR session is extended to February 14, 2011; and,
2. The parties are ordered to participate in Early Neutral Evaluation by such date.

IT IS SO ORDERED.

Dated: 12/8/2010


The Honorable Claudia Wilken
United States District Judge