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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORENZO R. CUNNINGHAM,
Plaintiff,
v.
MEDTRONIC INC., et al.,
Defendants.

Case No. 14-cv-04814-HSG (PR)

**ORDER ADDRESSING PENDING
MOTIONS**

Re: Dkt. Nos. 150, 151

United States District Court
Northern District of California

Plaintiff, a California state prisoner incarcerated at the California Healthcare Facility, filed this *pro se* action pursuant to 42 U.S.C. § 1983. The action arises out of lumbar-thoracic spinal fusion surgeries performed on plaintiff in April of 2012 and September of 2012. On February 21, 2017, the Court screened plaintiff's second amended complaint ("SAC"), which sought to add claims arising out of a third lumbar-thoracic spinal fusion surgery performed in February of 2016. Plaintiff has named two defendants: (1) Dr. Burch, who performed the surgeries, and (2) Medtronic Inc. ("Medtronic"), which manufactured the spinal rods used in the 2012 surgeries and February 2016 surgery. The Court found that, liberally construed, the SAC states: (1) a claim of deliberate indifference to serious medical needs as against Dr. Burch; (2) supplemental state law claims for negligence as against Dr. Burch; and (3) supplemental state law claims for strict liability, negligence, and failure to warn as against Medtronic. The Court also bifurcated summary judgment proceedings and directed Dr. Burch to file a motion for summary judgment, while the claims against Medtronic were stayed. Dr. Burch filed his summary judgment motion on October 11, 2017. Now before the Court are: (1) plaintiff's motion for substitution of counsel, and (2) plaintiff's motion for an extension of time to oppose Dr. Burch's motion for summary judgment.

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The motion for substitution of counsel is DENIED as unnecessary. Justin D. Harris of the Harris Law Firm has filed a notice of appearance and is now counsel of record for plaintiff. Plaintiff's motion for an extension of time to oppose summary judgment is GRANTED. The Clerk shall set this matter for a case management conference within 90 days of this order. All proceedings in this action are stayed until that time to give counsel time to familiarize himself with the case. The parties shall file a joint case management statement no later than seven calendar days before the case management conference.

The Clerk is further directed to serve a copy of this order upon plaintiff and upon counsel for all parties.

This order terminates Docket Nos. 150 and 151.

IT IS SO ORDERED.

Dated: 11/30/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge