

\*E-Filed 3/24/10\*

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IN THE UNITED STATES DISTRICT COURT

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IN AND FOR THE NORTHERN DISTRICT

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Richard B. Fox, M.D.,

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Plaintiff,

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v.

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Good Samaritan Hospital, LP, et al.,

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Defendants.

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20

AND CONSOLIDATED CASE

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Case No. 04 CV 00874 RS

[Consolidated for all purposes with  
Case No. 08 CV 01098 RS]

**STIPULATION AND REQUEST  
FOR ORDER CHANGING TIME  
AND ~~PROPOSED~~ ORDER**

Date: N/A

Time: N/A

Place: Courtroom 3, Seventeenth Floor

District Judge Richard Seeborg

1 All parties to this action, based upon the rulings of the Court following the requests of the  
2 parties at the hearing on Defendants' Motion for Summary Judgment on March 11, 2010, hereby  
3 stipulate to, and request that the Court enter an Order changing i) the hearing date on  
4 Defendants' Joint Motion to Strike Portions of Declaration of Richard B. Fox, M.D. in  
5 Opposition to Defendants' Motion for Summary Judgment (Dkt. No. 427), and ii) the date of the  
6 final Pretrial Conference and certain deadlines set forth in the Court's Further Case Management  
7 Scheduling Orders (Dkt. Nos. 285 and 338) and accompanying Standing Order (Dkt. No. 338-1).  
8 The changing of these dates will not change the date for trial, set for May 3, 2010.

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10 The Declaration of Amy E. Craig filed, herewith, sets forth the reasons for the requested  
11 change of dates, previous time modifications in the past, and the effect of the requested time  
12 modifications on the schedule for the case. Specifically, pursuant to the Court's rulings and the  
13 parties' agreements, the Court is requested to issue the following Order:  
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- 15 1. The hearing date for Defendants' Joint Motion to Strike Portions of Declaration of  
16 Richard B. Fox, M.D. in Opposition to Defendants' Motion for Summary  
17 Judgment (Dkt. No. 427) shall be heard in Courtroom 3, Seventeenth Floor, United  
18 States District Court, 450 Golden Gate Avenue, San Francisco California at 2:30  
19 p.m. on April 14, 2010, or as soon thereafter as the matter may be heard. The  
20 previously scheduled hearing for this matter on April 15, 2010 is vacated.
- 21 2. The final Pretrial Conference required by the Court's currently governing Case  
22 Management Order and related Standing Orders (Dkt Nos. 285, 338 and 338-1)  
23 shall be held in Courtroom 3, Seventeenth Floor, United States District Court, 450  
24 Golden Gate Avenue, San Francisco California at 2:30 p.m. on April 14, 2010, or  
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1 as soon thereafter as the matter may be heard. The previously scheduled Pretrial  
2 Conference on April 7, 2010 is vacated.

- 3 3. The Joint Pretrial Statement and Proposed Order required by the Court's currently  
4 governing Case Management Order and related Standing Orders (Dkt Nos. 285,  
5 338, and 338-1) shall be filed and served by April 5, 2010.
- 6
- 7 4. Exhibits shall be exchanged and Motions in Limine shall be filed and served  
8 pursuant to the governing Case Management Order and related Standing Orders  
9 (Dkt Nos. 285, 338 and 338-1) by April 19, 2010, with any oppositions or  
10 supplemental Motions in Limine due April 26, 2010.
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- 12 5. The remaining deadlines set forth in the governing Case Management Order and  
13 related Standing Orders (Dkt Nos. 285, 338 and 338-1), except as otherwise agreed  
14 by the parties, shall continue to be calculated pursuant to said Orders, using the  
15 final Pretrial Conference date of April 14, 2010.

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17  
18 Dated: March 24, 2010

**ROPES & GRAY LLP**

19  
20 By /s/ Thad A. Davis  
21 THAD A. DAVIS  
22 MICHAEL L. WONG  
23 Attorneys for Defendants  
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Dated: March 24, 2010

**SHANNON, MARTIN, FINKELSTEIN ALVARADO,  
P.C.**

By /s/ George A. Shannon, Jr.  
GEORGE A. SHANNON, JR.  
MEGAN D. RICHARDSON  
Attorneys pro hac vice for Defendant HCA Inc.

Dated: March 24, 2010


**HENNEFER, FINLEY & WOOD**

By /s/ James A. Hennefer  
JAMES A. HENNEFER  
Attorney for Plaintiff

[PROPOSED ORDER]

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 03/24/10, 2010

  
\_\_\_\_\_  
Honorable Richard Seeborg  
United States District Court Judge

1 **CERTIFICATION BY GEORGE A. SHANNON PURSUANT TO GENERAL RULE NO.**  
2 **45, SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

3 1. I am a lawyer licensed to practice law in the State of Texas, have been granted  
4 *pro hac vice* status in this case, and am a director in the law firm of Shannon, Martin, Finkelstein  
5 & Alvarado, P.C., counsel for defendant HCA Inc. The statements herein are made on my  
6 personal knowledge, and if called as a witness I could and would testify thereto.

7 2. The above e-filing document contains multiple signatures. I declare that  
8 concurrence has been obtained from each of the other signatories to file this document with the  
9 Court. Pursuant to Northern District of California General Order 45(X), I shall maintain records  
10 to support this concurrence for subsequent production for the Court if so ordered, or for  
11 inspection upon request by a party until one year after final resolution of the action (including  
12 appeal, if any).

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct on March 24, 2010.

16  
17 /s/ George A. Shannon, Jr.  
18 George A. Shannon, Jr.