

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
 For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

Laila Batts,

NO. C 08-00286 JW

Plaintiff,

**ORDER VACATING TRIAL; SETTING
 HEARING ON FURTHER MOTIONS;
 REFERRING PARTIES TO
 MAGISTRATE JUDGE GREWAL FOR
 SETTLEMENT CONFERENCE**

v.

County of Santa Clara, et al.,

Defendants.

On December 6, 2010, the Court conducted a Final Pretrial Conference. Counsel for the respective parties were present. Based on the discussion at the Conference, the Court orders as follows:

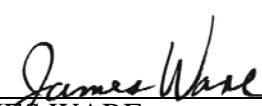
- (1) In light of the Court's own availability, the Court VACATES the current trial schedule set to commence on January 11, 2011.
- (2) The Court sets **January 31, 2011 at 9 a.m.** for a hearing on Defendants' Motion for Partial Summary Judgment on whether Plaintiff's release from custody and subsequent failure to continue treatment at Sutter Medical Center was an intervening event which would limit Plaintiff's recovery, if any. The parties shall adhere to the following briefing schedule:¹
 - (a) On or before **December 27, 2010**, Defendants shall file their Motion for Partial Summary Judgment.

¹ This briefing schedule is a modification to what was discussed at the Conference based on the Court's evaluation of its ability to timely evaluate the anticipated Motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (b) On or before **January 10, 2011**, Plaintiff shall file her Opposition.
 - (c) On or before **January 17, 2011**, Defendants shall file their Reply.
 - (d) On or before **January 17, 2011**, the parties shall file a Stipulation of Undisputed Facts regarding the intervening event in chronological order.
- (3) On December 3, 2010, Defendants filed a Motion to Bifurcate Liability from Punitive Damages and noticed it for a hearing on January 11, 2011. (Docket Item No. 373.) This Motion was improperly filed both in terms of date and time because Defendants failed to confer with the Court’s on-line calendar as to its availability to hear the Motion on January 11, 2011. At this time, the Court DENIES this Motion as premature.
- (4) The Court refers the parties to Magistrate Judge Paul Grewal for a Settlement Conference. On or before **December 10, 2010**, the parties shall contact Judge Grewal’s Chambers to arrange a date for the Conference in accordance with his availability.
- (5) The Court will set a Pretrial Conference date in its Order addressing the anticipated Motion for Partial Summary Judgment to reset the trial.

Dated: December 7, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Aryn Paige Harris aryn.harris@cco.sccgov.org
- 3 Barry Clement Marsh bmarsh@hinshaw-law.com
- 4 Blaise S. Curet bcuret@spcclaw.com
- 5 Gregory Joseph Sebastinelli gregory.sebastinelli@cco.sccgov.org
- 6 Jeremy L. Friedman jlfried@comcast.net
- 7 Scott R Kanter skanter@hinshaw-law.com
- 8 Stephen Ryan Wong swong@spcclaw.com

9
10 **Dated: December 7, 2010**

Richard W. Wieking, Clerk

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy