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13 UNITED STATES DISTRICT COURT
 14 FOR NORTHERN DISTRICT OF CALIFORNIA
 15 (San Jose)

16 ALMA BURRELL et al.,

17 Plaintiffs,

18 v.

19 COUNTY OF SANTA CLARA et al.,

20 Defendants.

No. CV11-04569 LHK

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO CONTINUE PRETRIAL CONFERENCE
 AND TRIAL DATE**

21 The parties, through their respective counsel, stipulate to continue the April 10, 2013 Pretrial
 22 Conference and the April 29, 2013 Trial date on the following grounds:

23 1. In the parties' initial Joint Case Management Statement they proposed a fact discovery
 24 cut-off on May 31, 2013, and the final date to hear dispositive motions on June 27, 2013. The
 25 parties also proposed scheduling the Pretrial Conference on September 18, 2013, and Trial on
 26 October 21, 2013.

27 2. During the initial Case Management Conference on May 9, 2012, the Court ordered fact
 28 discovery cut-off on November 23, 2012, and that dispositive motions were to be filed by January
 29 24, 2013, and set for hearing no later than February 28, 2013. The Court also set the Pretrial
 30 Conference on April 10, 2013, and Trial on April 29, 2013.

31 3. Thereafter, the parties conducted discovery, which included (among other things) taking
 32 depositions of all three Plaintiffs in multiple parts between June and November 2012, subpoenaing

1 Plaintiffs' medical records, and deposing Plaintiffs' providers. Plaintiffs took the depositions of
2 Defendants and one other witness, Dolores Alvarado. The parties also completed written discovery,
3 which required Plaintiffs to respond to extensive interrogatories and demands for production of
4 documents and Defendants to gather thousands of pages of documents from multiple County
5 departments to produce in response to Plaintiffs' demands for production of documents.

6 4. Defendants complied with the Court's Case Management Order and filed their motion
7 for summary judgment as to all 10 causes of action on January 24, 2013, and set it for hearing on
8 February 28, 2013. Defendants also filed a motion to sever¹ Plaintiff Margaret Headd on January
9 24, 2013, and set it for hearing on February 28, 2013.

10 5. On February 25, 2013, the Court issued an order continuing the hearing on Defendants'
11 motion for summary judgment and motion to sever to April 4, 2013. The order did not mention the
12 Pretrial Conference or Trial date.

13 6. Under the Court's standing order for trials, the parties must meet and confer about
14 settlement, preparation for the Joint Pretrial Statement, preparation and exchange of pretrial
15 materials, and clarifying and narrowing the contested issues for trial by March 21, 2013. The parties
16 are required to lodge and serve their Joint Pretrial Statement and Order, trial exhibits, and motions in
17 limine by March 27, 2013. Both the March 21, 2013 and March 27, 2013 deadlines occur well
18 before the April 4, 2013 hearing on Defendants' motion for summary judgment and motion to sever
19 Plaintiff Headd.

20 7. The parties agree that the Court's order on the pending motion for summary judgment
21 may significantly impact the scope of facts and issues that remain for trial. Moreover, the Court's
22 order on the pending motion to sever may result in two trials. The parties are presently in the
23 position, however, of preparing for the March 21 and 27, 2013 deadlines, and for trial, without
24 knowing which claims and issues, if any, will remain for trial and whether there will be one or two
25

26 _____
27 ¹ Notably, during the initial Case Management Conference the Court inquired about whether Plaintiffs were
28 properly joined in this action. Defendants decided to file a motion to sever Plaintiff Headd after completing
discovery, and learned that the first available date to have the motion heard was February 28, 2013, the same
date as the hearing on their motion for summary judgment.

1 trials.

2 8. The parties further agree that the interests of conserving litigation resources and judicial
3 economy weigh in favor of continuing the Pretrial Conference and Trial date. As such, the parties
4 agree and respectfully request that the Court continue the Pretrial Conference to May 8, 2013, and
5 the Trial date to May 28, 2013.

6 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
7 “conformed” signature (/S/) within this efiled document.

8 LORI E. PEGG
9 ACTING COUNTY COUNSEL

10 Dated: February 26, 2013

By: _____/S/
11 MELISSA R. KINIYALOCTS
12 Deputy County Counsel

13 Attorneys for Defendants
14 COUNTY OF SANTA CLARA, DAN
15 PEDDYCORD, RAE WEDEL, and MARTY
16 FENSTERSHEIB

17 LAW OFFICES OF BONNER & BONNER

18 Dated: February 28, 2013

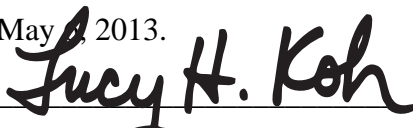
By: _____/S/
19 CHARLES A. BONNER

20 Attorneys for Plaintiffs
21 ALMA BURRELL, VICKYE HAYTER, and
22 MARGARET HEADD

23 **[PROPOSED] ORDER**

24 The Pretrial Conference is continued to ~~May 8, 2013, and the Trial date is continued to May~~
25 ~~28, 2013.~~ May 2, 2013. The trial will remain as set for May 2, 2013.

26 Dated: March 5, 2013


27 HONORABLE LUCY H. KOH
28 United States District Court Judge