

1 Thomas E. Donahue (SBN 156279)
2 DONAHUE & HORROW, LLP
3 1960 E. Grand Ave., Suite 1215
4 El Segundo, California 90245
5 Telephone: (310) 322-0300
6 Facsimile: (310) 322-0302
7 Email: tdonahue@donahuehorrow.com

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9 Attorneys for Plaintiffs MIGUEL GONZALEZ, JR.,
10 a minor, by and through his guardian ad litem,
11 Maria Gonzalez, MARIA GONZALEZ and
12 MIGUEL GONZALEZ

13
14 UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
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18 MIGUEL GONZALEZ, JR., a minor, by
19 and through his guardian ad litem, Maria
20 Gonzalez, MARIA GONZALEZ and
21 MIGUEL GONZALEZ,

22 Plaintiffs,

23 vs.

24 UNITED STATES OF AMERICA,
25 GURVIR KHURANA, M.D.; KERN
26 MEDICAL CENTER; and DOES 1
27 through 300, inclusive

28 Defendants.

CASE NO.: 1:09-cv-00509 LJO SKO

**JOINT STIPULATION OF THE
PARTIES; ORDER**

29 The parties to the above referenced action, subject to the Court's approval,
30 hereby stipulate to the following:

31 WHEREAS the parties desire to continue fact discovery and expert discovery
32 related dates contained in the Court's November 9, 2009 Scheduling Conference
33 Order.

34 WHEREAS the parties have been diligent in conducting discovery however

1 Plaintiffs' trial counsel, Thomas E. Donahue, has had trial conflicts (back to back trials
2 since August 2010 and continuing to mid to late December 2010) that have prevented
3 Mr. Donahue from engaging in the necessary fact discovery in this matter. The parties
4 have been working together to schedule the depositions and discovery that remain. In
5 an effort to accommodate Mr. Donahue's impacted trial schedule and to allow
6 Plaintiffs and the defendants to meaningfully participate in necessary discovery, the
7 parties HEREBY AGREE, subject to the Court's approval, to modify the fact
8 discovery and expert discovery related dates contained in the Court's Scheduling
9 Conference Order, dated November 9, 2009, as follows:
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13 1. The cut-off for non-expert discovery, previously set for November 15,
14 2010, shall be continued for seventy-five (75) days, or until January 31, 2011.
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16 2. Plaintiff's expert witness disclosure deadline, previously set for
17 December 15, 2010, shall be continued for sixty (60) days, or until February 15, 2011.
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19 3. Defendant's expert witness disclosure deadline, previously set for
20 January 14, 2011, shall be continued for sixty (60) days, or until March 14, 2011.
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22 4. The parties' deadline to disclose supplemental expert witnesses,
23 previously set for February 15, 2011, shall be continued for sixty (60) days, or until
24 April 15, 2011.

25 The parties also HEREBY AGREE, subject to the Court's approval, that the
26 following dates, contained in the Court's Scheduling Conference Order, dated
27 November 9, 2009, remain as follows:
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- 2 1. The cut-off for expert discovery shall remain June 24, 2011.
- 3
- 4 2. The deadline for filing non-dispositive motions shall remain June 24,
- 5 2011.
- 6 3. The deadline for filing dispositive motions shall remain July 22, 2011.
- 7
- 8 4. The Pre-Trial Conference date shall remain September 15, 2011.
- 9 5. The Trial Date shall remain October 31, 2011.

10 Respectfully submitted,

11 UNITED STATES ATTORNEY

12 Dated: November 1, 2010

13 By: \S\ Jason Ehrlinspiel
14 Lawrence G. Brown
15 Jason Ehrlinspiel
16 *Attorneys for Defendant United States of*
17 *America*

18 LEBEAU THELEN, LLP

19 Dated: November 1, 2010

20 By: \S\ Dennis Thelen
21 Dennis R. Thelen, Esq.
22 *Attorneys for Defendant Gurvir Khurana,*
23 *M.D.*

24 PATTERSON, LOCKWOOD, HARRIS,
25 JURICH & HILLYER, LLP

26 Dated: November 1, 2010

27 By: \S\ John Jurich
28 John A. Jurich
Attorneys for Defendant County of Kern
(erroneously sued as Kern Medical Center)

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COUNTY COUNSEL OF THE COUNTY
OF KERN, STATE OF CALIFORNIA

Dated: November 1, 2010

By: \S\ Jennifer Zahry
B.C. Barmann, Sr.
Jennifer E. Zahry
*Attorneys for Defendant County of Kern
(erroneously sued as Kern Medical Center)*

DONAHUE & HORROW, LLP

Dated: November 1, 2010

By: \S\ Thomas Donahue
Thomas E. Donahue
*Attorneys for Plaintiffs Miguel Gonzales, Jr.,
a minor, by and through his guardian ad
litem, Maria Gonzalez, Maria Gonzalez, and
Miguel Gonzalez*

ORDER

The parties' request for an extension of the discovery deadlines as outlined above is GRANTED. All other deadlines, including those applicable for filing and hearing all pre-trial motions, the pre-trial conference date, and the trial date remain UNCHANGED.

The parties are reminded that, pursuant to the scheduling order issued in this case, any "[s]tipulations extending the deadlines contained [in the scheduling order] will not be considered unless they are accompanied by affidavits or declarations and, where appropriate, attached exhibits which establish good cause for granting the relief requested." (Doc. 35.) Any future requests for modification that do not comply with the scheduling order will not be considered and may result in the imposition of sanctions.

IT IS SO ORDERED.

Dated: November 3, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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