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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 LYLE D. GRIFFITH, M.D., an individual,  
12 Plaintiff,

13 v.

14  
15 CORCORAN DISTRICT HOSPITAL, a  
district hospital; JONATHAN BRENN,  
16 CEO of CORCORAN DISTRICT  
HOSPITAL and an individual; DAVID  
17 HILL, an individual; JAMES CARTER  
THOMAS, M.D., an individual; LISA  
18 IVERS, Chief Nursing Officer of  
CORCORAN DISTRICT HOSPITAL and  
19 an individual; SUE FAIRCHILD,  
Operating Room Supervisor for  
20 CORCORAN DISTRICT HOSPITAL and  
an individual; and DOES 1 through 25,  
21 inclusive

22 Defendants.  
23

Case No. 1:09-CV-02132-LJO-GSA

**STIPULATION AND ORDER TO  
CONTINUE TRIAL DATE**

24 Plaintiff, LYLE D. GRIFFITH (hereinafter "Plaintiff"), and Defendants, CORCORAN  
25 DISTRICT HOSPITAL, JONATHAN BRENN, JAMES CARTER TOMAS, M.D., LISA  
26 IVERS, and SUE FAIRCHILD (hereinafter collectively "Defendants"), hereby stipulate as  
27 follows:

- 28 1. The trial date in this matter is presently schedule for September 26, 2011.

1           2.       Plaintiff and Defendants have agreed that a continuance of the trial date is  
2 necessary on the basis that additional discovery is necessary in the case. This is the first request  
3 to continue the trial date in this case. No additional continuance requests are anticipated.

4           3.       Plaintiff and Defendants have been diligently conducting discovery, including  
5 having conducted approximately ten (10) depositions in the case so far and estimate that at least  
6 six (6) or seven (7) additional depositions will be necessary, if not more, not including experts.  
7 Deposition scheduling has required time due to everyone's schedules which had to be  
8 coordinated.

9           4.       In addition, Plaintiff and Defendants are still in the process of compiling and  
10 producing additional documentary evidence to provide in response to ongoing discovery requests.  
11 Thousands of pages of documents have already been produced and exchanged.

12           5.       Further, Plaintiff and Defendants have agreed that a continuance of the trial date is  
13 necessary on the basis that the parties have been attempting to schedule mediation with a private  
14 mediator whom all parties can agree upon and is available far enough in advance of the trial date,  
15 but have had difficulty locating a mediator who is available before trial.

16           6.       Plaintiff and Defendants have attempted to schedule the mediation with Justice  
17 Nickolas Dibiaso [Ret.], but Justice Dibiaso is not available until October of 2011, after the  
18 current trial date.

19           7.       Plaintiff and Defendants would like the opportunity to fully mediate the case well  
20 in advance of the trial in order to potentially avoid incurring substantial fees and costs in trial  
21 preparation. The discovery which has occurred and which is continuing was necessary before a  
22 meaningful mediation could occur.

23           8.       Plaintiff and Defendants have tentatively agreed to try and schedule the mediation  
24 with Judge Raul Ramirez, retired judge from the Eastern District of California, but have not yet  
25 obtained Judge Ramirez's schedule.

26           9.       Plaintiff's counsel is not available for trial from December 2, 2011, through  
27 December 19, 2011, and is not available from January 9, 2011, through January 27, 2011.

28       / / /

1 10. Defendants' counsel is not available for trial from November 21 to 30, 2011, and  
2 December 23, 2011 to January 5, 2012.

3 11. The parties propose a trial date of January 30, 2012, and a pre-trial conference date  
4 of December 19, 2011. All other dates and deadlines predicated on the trial date and pre-trial date  
5 shall be continued accordingly.

6 IT IS SO STIPULATED.

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8 DATED: May 12, 2011 By: /s/ Rhys C. Boyd-Farrell  
9 Rhys C. Boyd-Farrell, Esq.  
10 Attorney for Plaintiff

11 DATED: May 12, 2011 By: /s/ Michael Popcke  
12 Michael Popcke, Esq.  
13 Attorney for Defendants

14 **ORDER CONTINUING TRIAL DATE**

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16 The Court finds good cause has been established based on due diligence. The trial date is  
17 continued to January 30, 2012 at 8:30 a.m., and the pre-trial conference date is continued to  
18 December 19, 2011 at 8:15 a.m. (telephonic appearances are acceptable for the pre-trial  
19 conference). All other dates and deadlines predicated on the trial date and pre-trial date shall be  
20 continued accordingly.

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22  
23 IT IS SO ORDERED.

24 Dated: May 13, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE