

1 EILEEN R. RIDLEY, CA Bar No. 151735  
eridley@foley.com  
2 ALAN R. OUELLETTE, CA Bar No. 272745  
aouellette@foley.com  
3 JOSHUA R. PARR, CA Bar No. 318549  
jparr@foley.com

4 **FOLEY & LARDNER LLP**  
555 CALIFORNIA STREET, SUITE 1700  
5 SAN FRANCISCO, CA 94104-1520  
6 TEL: 415.434.4484 FAX: 415.434.4507

7 KATHRYN A. SHOEMAKER, CA Bar No. 305111  
kshoemaker@foley.com

8 **FOLEY & LARDNER LLP**  
555 SOUTH FLOWER STREET, SUITE 3300  
9 LOS ANGELES, CA 90071-2411  
TEL: 213.972.4500 FAX: 213.486.0065

10 AMY WHELAN, CA Bar No. 215675  
awhelan@nclrights.org

11 JULIE WILENSKY, CA Bar No. 271765  
jwilensky@nclrights.org

12 **NATIONAL CENTER FOR LESBIAN RIGHTS**  
870 MARKET STREET, SUITE 370  
13 SAN FRANCISCO, CA 94102  
14 TEL: 415.365.1338

15 LYNLY EGYES, NY Bar No. 4828025 (admitted *pro hac vice*)  
lynly@transgenderlawcenter.org

16 **TRANSGENDER LAW CENTER**  
594 DEAN STREET  
17 BROOKLYN, NY 11238  
TEL: 973.454.6325

18 Attorneys for Plaintiff KATHARINE  
19 PRESCOTT

20 **UNITED STATES DISTRICT COURT**  
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 KATHARINE PRESCOTT, an  
23 individual, and KATHARINE  
24 PRESCOTT, on behalf of KYLER  
PRESCOTT, a deceased minor,  
25 Plaintiff,

26 vs.

27 RADY CHILDREN'S HOSPITAL –  
SAN DIEGO,  
28 Defendant.

) Case No. 16-CV-02408-BTM (LL)

) **JOINT MOTION TO CONTINUE**  
) **DEADLINE TO FILE JOINT**  
) **MOTION FOR DISMISSAL**

) Honorable Barry Ted Moskowitz  
) Honorable Linda Lopez

) Case Filed: September 26, 2016  
) Final Pretrial Conference: March 17, 2020

Joint Motion to Continue Deadline  
to File Joint Motion For Dismissal  
Case No. 16-CV-02408-BTM (LL)

1 Plaintiff KATHARINE PRESCOTT, an individual, and KATHARINE  
2 PRESCOTT, on behalf of KYLER PRESCOTT, a deceased minor (“Plaintiff”), and  
3 Defendant RADY CHILDREN’S HOSPITAL – SAN DIEGO (“Defendant”)  
4 (collectively, the “Parties”), by and through their representative counsel, hereby jointly  
5 move for an extension of the Deadline to File Joint Motion For Dismissal, and  
6 respectfully request that the Court enter the Parties’ Proposed Order, sent to the Court per  
7 Section 2.h of the Electronic Case Filing Administrative Policies and Procedures Manual.

8 **RECITALS**

9 WHEREAS, the Parties participated in private mediation before Judicate West in  
10 San Diego, California on May 21, 2019 and reached an agreement in principle settling the  
11 entire above-captioned action;

12 WHEREAS, the Parties jointly filed with the Court a Notice of Settlement in  
13 Principle [Dkt. 69] on June 28, 2019 in which they notified the Court of the Parties’  
14 settlement in principle;

15 WHEREAS, on June 28, 2019, the Court entered an Order Confirming Settlement  
16 and Setting Deadline to File Joint Motion for Dismissal [Dkt. 70] requiring the Parties to  
17 file for dismissal by July 30, 2019, and if such request for dismissal is not filed by then  
18 the Parties are ordered to attend a Settlement Disposition Conference on August 6, 2019;

19 WHEREAS, the Parties have been diligently working to finalize a settlement and  
20 release agreement, but require additional time to finalize the agreement and comply with  
21 its pre-dismissal terms;

22 WHEREAS, the Parties jointly request an extension of the July 30, 2019 Deadline  
23 to File Joint Motion for Dismissal by forty-five days to a date on or after September 13,  
24 2019;

25 WHEREAS, the Parties jointly request an extension of the August 6, 2019  
26 Settlement Disposition Conference by forty-five days to a date on or after September 20,  
27 2019;

28 WHEREAS, the Parties have met and conferred regarding the jointly requested

Joint Motion to Continue Deadline  
to File Joint Motion For Dismissal  
Case No. 16-CV-02408-BTM (LL)

1 extension and agree that the requested extension will allow the Parties to finalize and  
2 comply with the pre-dismissal terms of the settlement and release agreement;

3 WHEREAS, the Parties desire the requested continuance in order to diligently  
4 continue work to finalize and comply with the settlement and release agreement, not for  
5 the purpose of delay;

6 WHEREAS, the Parties believe that the requested continuance will not cause any  
7 prejudicial delay and that the Parties will be able completely settle the entire action; and

8 WHEREAS, the Parties believe that the requested continuance will be helpful in  
9 conserving judicial and litigant resources;

10 **STIPULATION**

11 THEREFORE, IT IS STIPULATED AND AGREED, by and between Plaintiff and  
12 Defendant, through their respective counsel, as follows:

13 1. With the Court's approval, the deadline for the Parties to File a Joint Motion For  
14 Dismissal is continued by at least forty-five days from July 30, 2019 to a date on or after  
15 September 13, 2019 (as is convenient for the Court); and

16 2. With the Court's approval, the Settlement Disposition Conference is continued  
17 by at least forty-five days from August 6, 2019 to a date on or after September 20, 2019  
18 (as is convenient for the Court).

1 SO STIPULATED.  
2

3  
4 DATED: July 26, 2019

**FOLEY & LARDNER LLP**

5  
6 /s/ Kathryn A. Shoemaker  
7 Kathryn A. Shoemaker  
8 Attorneys for Katharine Prescott

9 DATED: July 26, 2019

**LEWIS BRISBOIS BISGAARD & SMITH  
LLP**

10  
11  
12 /s/ Marilyn R. Moriarty  
13 Marilyn R. Moriarty  
14 Attorneys for Rady Children's Hospital – San  
15 Diego  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am employed in Washington, District of Columbia. I am over the age of 18 and not a party to this action. My current business address is 3000 K St NW, Washington, DC 20007. I am employed in the office of a member of the bar of this court at whose direction the service was made.

On July 26, 2019, I served the foregoing document described as: **JOINT MOTION TO CONTINUE DEADLINE TO FILE JOINT MOTION FOR DISMISSAL** on the interested parties in this action as follows:

Marilyn R. Moriarty  
Marilyn.moriarty@lewisbrisbois.com  
Suzanne Pollack  
Suzanne.pollack@lewisbrisbois.com  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
701 B Street, Suite 1900  
San Diego, California 92101  
*Attorneys for Defendant*  
**RADY CHILDREN'S HOSPITAL-SAN DIEGO**

**X BY COURT'S CM/ECF SYSTEM**  
Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the person listed above.

<p>LYNLY EGYES <u>lynly@transgenderlawcenter.org</u> TRANSGENDER LAW CENTER 594 DEAN STREET BROOKLYN, NY 11238</p> <p><i>Attorneys for Plaintiffs</i> <b>KATHARINE PRESCOTT, AN INDIVIDUAL, AND KATHARINE PRESCOTT, ON BEHALF OF KYLER PRESCOTT, A DECEASED MINOR</b></p>	<p>Amy Whelan <u>awhelan@nclrights.org</u> Julie Wilensky <u>jwilensky@nclrights.org</u> Asaf Orr <u>aorr@nclrights.org</u> NATIONAL CENTER FOR LESBIAN RIGHTS; 870 MARKET STREET, SUITE 370 SAN FRANCISCO, CA 94102</p> <p><i>Attorneys for Plaintiffs</i> <b>KATHARINE PRESCOTT, AN INDIVIDUAL, AND KATHARINE PRESCOTT, ON BEHALF OF KYLER PRESCOTT, A DECEASED MINOR</b></p>
---	---

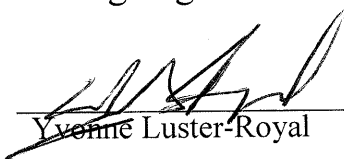
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

X BY E-MAIL

Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

X Executed on July 26, 2019, at Washington, D.C.

X I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Yvonne Luster-Royal