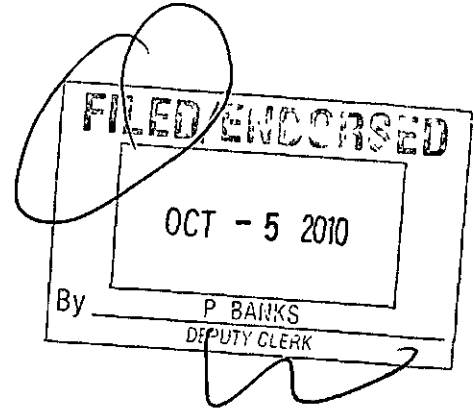


1 PETER MALLON, State Bar # 124758  
2 LAW OFFICES OF STEVEN D. HILLYARD  
3 A Professional Corporation  
345 California Street, Suite 1770  
4 San Francisco, California 94104  
Telephone: (415) 334-6880  
Facsimile: (415) 334-6967

5 Attorneys for Defendant  
6 JASON GOLSON  
7  
8



9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR THE COUNTY OF SACRAMENTO**  
11 **UNLIMITED JURISDICTION**

12 RAMONA KAY SKATTEBO; AIREAN LEE  
13 HARPER, by and through her Guardian Ad  
14 Litem, BILLY SILVAS; STEVEN ALLEN  
15 SKATTEBO, III, by and through his Guardian  
Ad Litem, BILLY SILVAS; JOSEPH  
MICHAEL HERNANDEZ, by and through his  
Guardian Ad Litem JENNIFER  
HERNANDEZ,

16 Plaintiffs,

17 v.

18 JASON GOLSON, and DOES I through X,  
19 inclusive,

20 Defendants.  
21

CASE NO. 34-2008-00002074

**DECLARATION OF PETER MALLON IN  
SUPPORT OF DEFENDANT JASON  
GOLSON'S MOTION TO CONTINUE  
TRIAL DATE BASED ON THE PARTIES'  
STIPULATION**

[CCP §595.2, CRC, Rule 3.1322, Local  
Rule 2.02.C]

**DATE:** October 5, 2010

**TIME:** 9:00 a.m.

**PLACE:** Department 47, Presiding Judge

*Complaint Filed. January 25, 2008*

*Trial Date: November 30, 2010*

22 I, Peter Mallon, certify and declare as follows:

23 1. I am an attorney at law duly licensed to practice before all courts of the State of  
24 California, and am a partner at the LAW OFFICES OF STEVEN D. HILLYARD, APC, attorneys  
25 for Defendant (hereinafter "defendant").

26 2. On the basis of personal knowledge, I could and would competently testify to the  
27 contents of this declaration if called upon as a witness.

28 3. All parties have agreed and stipulated to continue trial to a new date of February 1,

1 2011, and that all trial-related deadlines be governed by the new trial date. Further, counsel for all  
2 parties have stipulated and agreed that defendant's motion to continue trial based upon their  
3 stipulation may be heard on an ex parte basis on October 5, 2010.

4 4. Continuance of the trial date is necessary because I am scheduled for inpatient bile  
5 duct surgery on October 28, 2010 and will be hospitalized one to three days thereafter. This  
6 surgery, and the underlying need for the surgery were unknown at the time the trial date was  
7 selected and set, and are interfering with my ability to complete the extensive discovery needed in  
8 this wrongful death action, and to prepare for trial. Without delving into too much detail, I am  
9 currently suffering from severe, sometimes debilitating abdominal pain and have been advised that  
10 postponement of my surgery would be detrimental to my health. The trial continuance is needed  
11 so that the parties can complete discovery in an orderly fashion, following my recovery.

12 5. Attached as Exhibit "A" is a true and correct copy of the Stipulation signed by  
13 counsel all parties.

14 6. In the event that the Court cannot accommodate the parties' joint request to  
15 continue the trial to February 1, 2011, within the 60 days thereafter I am scheduled for trial on  
16 March 14, 2011, in Alameda County Superior Court in *Santos v Lin*, Case Number VG09475544.  
17 This trial is expected to last three weeks.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct.

20 Executed this 5<sup>th</sup> day of October, 2010 at San Francisco, California.

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24 PETER MALLON  
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**EXHIBIT A**



1 PETER MALLON, State Bar # 124758  
LAW OFFICES OF STEVEN D. HILLYARD  
2 A Professional Corporation  
345 California Street, Suite 1770  
3 San Francisco, California 94104  
Telephone: (415) 334-6880  
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5 Attorneys for Defendant  
6 JASON GOLSON

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
9 **FOR THE COUNTY OF SACRAMENTO**  
10 **UNLIMITED JURISDICTION**

11 RAMONA KAY SKATTEBO; AIREAN LEE  
12 HARPER, by and through her Guardian Ad  
Litem, BILLY SILVAS; STEVEN ALLEN  
13 SKATTEBO, III, bvy and through his  
Guardian Ad Litem, BILLY SILVAS;  
14 JOSEPH MICHAEL HERNANDEZ, by and  
through his Guardian Ad Litem JENNIFER  
15 HERNANDEZ,

16 Plaintiffs,

17 v.

18 JASON GOLSON, and DOES I through X,  
inclusive,

19 Defendants.  
20

CASE NO. 34-2008-00002074

**STIPULATION BY ALL PARTIES TO  
CONTINUE TRIAL DATE**

**[Local Rule 2.02.C]**

**DATE: October 5, 2010**  
**TIME: 9:00 a.m.**  
**PLACE: Department 47**  
**PRESIDING JUDGE**

*Complaint Filed: January 25, 2008*  
*Trial Date: November 30, 2010*

21 After conferring with one another and the Court, the parties to this action hereby stipulate  
22 and request that the Honorable Court continue the trial date currently set for November 30, 2010 at  
23 8:30 a.m. to a new date, as follows: **Jury Trial** to commence on **February 1, 2011 at 8:30 a.m.**,  
24 or on such later date that is available to the Court.

25 Continuance of the trial date is necessary because counsel for defendant, Peter Mallon, is  
26 scheduled for inpatient surgery on October 28, 2010 and will be hospitalized briefly thereafter.  
27 This surgery, and the underlying need for the surgery were unknown at the time the trial was set,  
28 and are interfering with defense counsel's ability to complete the extensive discovery needed in

**STIPULATION BY ALL PARTIES TO CONTINUE TRIAL DATE**

1 this wrongful death action, and to prepare for trial. The trial continuance is needed so that the  
2 parties can complete discovery in an orderly fashion.

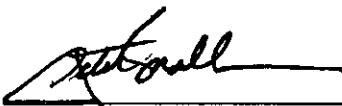
3 This is the first request for a continuance of trial in this matter made by any party.  
4 Additionally, plaintiffs' counsel joins in this request in view of the good cause of defendant's  
5 counsel.

6 WHEREFORE, the parties to this Stipulation respectfully request that the Court continue  
7 the November 30, 2010 pending trial date to February 1, 2011 or if such date is not available, such  
8 other later date that is available to the Court.

9 The parties further stipulate and agree that, pending the determination of this application,  
10 and upon approval of this Stipulation and proposed Order by the Court, all pretrial filing and  
11 service deadlines set forth in both the California Code of Civil Procedure and the Sacramento  
12 Superior Court Local Rules, including without limitation the exchange of expert witnesses, *in*  
13 *limine* motions, and statements regarding trial time limits, shall be controlled solely by the new  
14 trial date as if it were the initial trial date, and meanwhile shall be held in abeyance pending the  
15 Court's determination of this application for trial continuance.

16 SO STIPULATED and RESPECTFULLY SUBMITTED:

17 DATED: September 22, 2010 LAW OFFICES OF STEVEN D. HILLYARD, APC

18 BY:   
19 PETER MALLON  
20 Attorneys for Defendant  
21 JASON GOLSON

22 DATED: September , 2010 LAW OFFICE OF MARK R. SWARTZ

23 BY: \_\_\_\_\_  
24 MARK R. SWARTZ  
25 Attorneys for Plaintiffs  
26 RAMONA KAY SKATTEBO; AIREAN LEE  
27 HARPER, by and through her Guardian Ad  
28 Litem, BILLY SILVAS; STEVEN ALLEN  
SKATTEBO, III, by and through his Guardian  
Ad Litem, BILLY SILVAS; JOSEPH  
MICHAEL HERNANDEZ, by and through his  
Guardian Ad Litem JENNIFER HERNANDEZ

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2 parties can complete discovery in an orderly fashion.

3 This is the first request for a continuance of trial in this matter made by any party.  
4 Additionally, plaintiffs' counsel joins in this request in view of the good cause of defendant's  
5 counsel

6 WHEREFORE, the parties to this Stipulation respectfully request that the Court continue  
7 the November 30, 2010 pending trial date to February 1, 2011 or if such date is not available, such  
8 other later date that is available to the Court.

9 The parties further stipulate and agree that, pending the determination of this application,  
10 and upon approval of this Stipulation and proposed Order by the Court, all pretrial filing and  
11 service deadlines set forth in both the California Code of Civil Procedure and the Sacramento  
12 Superior Court Local Rules, including without limitation the exchange of expert witnesses, *in*  
13 *limine* motions, and statements regarding trial time limits, shall be controlled solely by the new  
14 trial date as if it were the initial trial date, and meanwhile shall be held in abeyance pending the  
15 Court's determination of this application for trial continuance.

16 SO STIPULATED and RESPECTFULLY SUBMITTED:

17 DATED: September , 2010

LAW OFFICES OF STEVEN D. HILLYARD, APC

18  
19 BY:

PETER MALLON  
Attorneys for Defendant  
JASON GOLSON

20  
21 DATED: October 1, 2010

LAW OFFICE OF MARK R. SWARTZ

22  
23 BY:

MARK R. SWARTZ  
Attorneys for Plaintiffs  
RAMONA KAY SKATTEBO; AIREAN LEE  
HARPER, by and through her Guardian Ad  
Litem, BILLY SILVAS; STEVEN ALLEN  
SKATTEBO, III, by and through his Guardian  
Ad Litem, BILLY SILVAS; JOSEPH  
MICHAEL HERNANDEZ, by and through his  
Guardian Ad Litem JENNIFER HERNANDEZ

2  
STIPULATION BY ALL PARTIES TO CONTINUE TRIAL DATE

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

I am employed in the county of aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 345 California Street, Suite 1770, San Francisco, California 94104.

On the date below, I served the following document(s) described as **DECLARATION OF PETER MALLON IN SUPPORT OF DEFENDANT JASON GOLSON'S MOTION TO CONTINUE TRIAL DATE BASED ON THE PARTIES' STIPULATION** on the interested party(ies) in this action by placing thereof enclosed in sealed envelopes and/or packages addressed as follows:

Mark Swartz  
Law Offices of Mark R. Swartz  
11344 Coloma Road, Suite 515  
Gold River, CA 95670  
Tel.: (916) 631-7722  
Fax: (916) 631-7280

Attorneys for Plaintiffs  
AREAN LEE HARPER and RAMONA  
KAY SKATTEBO

☐ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.

☒ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (415) 334-6967. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error.

☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

☐ **PERSONAL DELIVERY**

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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☐ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 4, 2010, at San Francisco, California.

  
\_\_\_\_\_  
Peter Mallon