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 7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 SPENCER PETERSON III) No: 1:06-CV-00349-LJO-SMS
)
 12 Plaintiff,) STIPULATION AND ORDER
) CONTINUING PRE-TRIAL
 13 vs.) CONFERENCE AND TRIAL
)
 14 STATE OF CALIFORNIA, DEPARTMENT) Proposed New Dates:
 OF CORRECTIONS AND REHABILITATION;)
 15) Pretrial Conference: May 10, 2010
 Defendants.) Trial: June 14, 2010
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17 WHEREAS Plaintiff SPENCER PETERSON III (“Plaintiff”) and Defendant
 18 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (“Defendants”)
 19 (collectively the “Parties”), continue to cooperate toward achieving negotiated resolution agreement in the
 20 above referenced case;

21 WHEREAS earlier attempts to settle the case for monetary value failed due in large part to
 22 the fiscal challenges facing Defendant and the State of California;

23 WHEREAS the Parties recognize and acknowledge that settlement is mutually beneficial
 24 and that trial is likely to be unnecessary as a result of continued settlement efforts, including plaintiff’s most
 25 recent offer of settlement;

26 WHEREAS multiple recent and ongoing changes in Defendant’s personnel, with whom
 27 rests decision-making authority with regard to this litigation, as well as plaintiff’s continued promotional
 28 advancement in his employment at CDCR and limitations imposed by State Personnel Board Rules and

1 state civil service regulations continue to impact the Parties in reaching final, legally-compliant non-
2 monetary settlement; therefore additional time is needed to secure clearances and approvals;

3 WHEREAS the Parties agree to amend the current pretrial conference and trial dates
4 as set forth below:

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
6 Plaintiff and Defendant, by and through their respective counsel of record, and they each request
7 the Court to enter an order amending the current pretrial conference and trial dates in the case as
8 follows:

9 The pretrial conference shall be continued from March 8, 2010 to May 10, 2010 at 8:30 a.m. or a
10 date and time proximate thereto that is agreeable to the Court; and

11 The trial date shall be continued from April 26, 2010 to June 14, 2010 at 8:30 a.m. or a date and
12 time proximate thereto that is agreeable to the Court.

13 Dated: March 1, 2010

/s/ Michelle Littlewood
MICHELLE LITTLEWOOD, Attorney for
Defendants

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15 Dated: March 1, 2010

/s/ James C. Holland
JAMES C. HOLLAND, Attorney for
Plaintiff

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18 IT IS SO ORDERED.

19 **1) Pretrial Conference is continued from March 8, 2010 to May 10, 2010 at 8:30 a.m. before**
20 **Judge O'Neill in Courtroom #4.**

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22 **2) Jury Trial is continued from April 26, 2010 to June 28, 2010 at 8:30 a.m. before Judge**
23 **O'Neill in Courtroom #4.**

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25 Dated: March 1, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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