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 DANIEL PROVENCIO, JR., etc., et al

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 JOHNNY G. PROVENCIO

**IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA
 FRESNO DIVISION**

**DANIEL PROVENCIO, JR., etc.,
 et al,**

Plaintiff,

vs.

PATRICIA L. VAZQUEZ, et al

1:07-CV-00069-AWI-JLT

**JOINT STIPULATION AND ORDER
 CONTINUING HEARING ON
 DEFENDANT SONGER'S MOTION FOR
 SUMMARY JUDGMENT**

*[Assigned to the Honorable
 Anthony W. Ishii]*

Trial: August 17, 2010

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs through their respective counsel and Defendants through their respective counsel as follows:

Defendant, Michael Songer, M.D., has filed a Motion for Summary Judgment that is currently set to be heard by the Court on March 29, 2010 at 1:30 pm in Courtroom 2.

All defendants except Songer had previously filed Motions for Summary Judgment, which motions were taken under submission on May 4, 2009. In light of the Court's March 1, 2010 ruling (Doc. 162), granting summary judgment as to all of said moving defendants except Vazquez, Palmer, Adams, Hicks, Drugich, and Paredes, and inviting said remaining defendants to file second summary judgment motions by April 15, 2010, said defendants will timely file second Motions for Summary Judgment, and have reserved May 17, 2010 as the hearing date for those motions.

The parties believe it would save the Court time, and promote the orderly and efficient processing of these motions, to have them all heard at the same time.

As such, the parties hereby stipulate that Defendant Michael Songer's Motion for Summary Judgment be continued from March 29, 2010 to May 17, 2010 and be heard at the same time as the Motions for Summary Judgment that will be filed by the other

Defendants.

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EDMUND G. BROWN, JR. Attorney
General of the State of
California

PAMELA J. HOLMES, Supervising
Deputy Attorney General

DOUG KNOLL, Deputy Attorney
General

BENJAMIN BARNOUW, Deputy
Attorney General

Dated: March 4, 2010

2010)

By: /s/ Doug Knoll (As _____
authorized on March 4,

DOUG KNOLL
Deputy Attorney General
Attorneys for

PAT L. VASQUEZ,
PALMER,

Defendants

MATTHEW

DAVID HICKS,

LORLEAN DRUGICH, REMIJIO

PAREDES AND MICHAEL SONGER

LeBEAU-THELIN, LLP

Dated: March 3, 2010

2010)

By: /s/ J. Nile Kinney (As _____
authorized on March 3,

J. NILE KINNEY
Attorney for Defendant
MATTHEW ADAMS

McNICHOLAS & McNICHOLAS

Dated: March 3, 2010

By: /s/ John

McNicholas (As
authorized on March 3, 2010)

JOHN McNICHOLAS
Attorney for Plaintiff
NANCY MENDOZA

Dated: March 3, 2010

By: /s/ Michael R. Mitchell (As
authorized on March 3, 2010)

MICHAEL R. MITCHELL
Attorney for Plaintiff
DANIEL PROVENCIO, JR.

Dated: March 3, 2010

GORDON, EDELSTEIN, KREPACK,
GRANT, FELTON & GOLDSTEIN

By: /s/ Joshua M. Merliss
JOSHUA M. MERLISS
Attorney for Plaintiff
JOHNNY G. PROVENCIO

ORDER

GOOD CAUSE APPEARING,

IT IS SO ORDERED.

Dated: March 5, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE