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26 Attorneys for Defendants

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28 UNITED STATES DISTRICT COURT  
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30 EASTERN DISTRICT OF CALIFORNIA

31 ZEARLEAN COOPER, ) Case No. 1:10-CV-00899-AWI-DLB  
32 Plaintiff, )  
33 vs. ) STIPULATION AND ORDER  
34 MATTHEW CATE, Secretary of the California )  
35 Department of Corrections & Rehabilitation; et al, )  
36 Defendants. )  
37 \_\_\_\_\_ )  
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39 Stipulation and Order Staying Proceedings.  
40 Zearlean Cooper v. Matthew Cate, Secretary, et al Case No. 1:1-CV-0899-AWI-DLB

1           Whereas, ZEARLEAN COOPER (“Plaintiff”) cannot proceed on her claims under Title  
2 VII of the Civil Rights Act of 1964, *as amended*, because the Civil Rights Division of the United  
3 States Department of Justice has not yet issued Plaintiff notice of her right-to-sue;

4           Whereas, Plaintiff has notified the appropriate district offices of the United States Equal  
5 Employment Opportunity Commission that she has commenced this action and requested  
6 immediate issuance of notice of her right-to-sue; and

7           Whereas, the United States Equal Employment Opportunity Commission has informed  
8 Plaintiff that she should expect to receive notice of her right-to-sue from the Civil Rights  
9 Division of the United States Department of Justice shortly,

10          Plaintiff and MATTHEW CATE, Secretary of the California Department of Corrections  
11 & Rehabilitation, et al (“Defendants”), by and through their undersigned counsel of record,  
12 hereby stipulate and agree:

13          1.        to entry of an order staying further proceedings in this civil action for 90 days  
14 from the date of the entry of the order approving this stipulation;

15          2.        to Plaintiff filing a Second Amended Complaint to alleged her claims under Title  
16 VII of the Civil Rights Act of 1964, *as amended*, without first seeking leave of the Court;

17          3.        to Defendants having 20 court days from the date Plaintiff’s Second Amended  
18 Complaint is posted on this Court’s website in which to file their responsive pleadings; and

19          4.        to vacate the Status Conference scheduled for January 10, 2011.

20          There have been no other stipulations for the order sought herein by any Party to this  
21 action nor by order of this Court or any Judge thereof. The parties request that the Court approve  
22 this stipulation pursuant to Local Rule 144(a).

23          Dated: December 30, 2010

23          Dated: December 30, 2010

24          /s/Howard Moore, Jr.

24          /s/Connie A. Broussard

25          \_\_\_\_\_  
25          HOWARD MOORE, JR.  
26          Attorney for Plaintiff  
26          ZEALEAN COOPER

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25          CONNIE A. BROUSSARD  
26          Deputy Attorney General, Attorney  
26          for Defendants, MATTHEW CATE, et al

## ORDER

IT IS HEREBY ORDERED that the above Stipulation is hereby made the order of the Court and all further proceedings in this matter are stayed on terms and conditions not inconsistent with this Stipulation. The Scheduling Conference set for January 10, 2011 at 9:00 a.m. is continued to March 30, 2011 at 9:00 a.m.

IT IS SO ORDERED.

Dated: January 3, 2011

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE