

1 KAMALA D. HARRIS
Attorney General of California
2 SCOTT H. WYCKOFF
Supervising Deputy Attorney General
3 MARY HORST
Deputy Attorney General
4 State Bar No. 163069
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721
Telephone: (559) 477-1672
6 Fax: (559) 445-5106
E-mail: Mary.Horst@doj.ca.gov
7 *Attorneys for Defendant CDCR*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 EASTERN DISTRICT OF CALIFORNIA

11 **LINDA ROCHA,**
12
13 Plaintiff,
14
15 **v.**
16 **STATE OF CALIFORNIA DEPARTMENT**
OF CORRECTIONS AND
REHABILITATION, J. CLARK KELSO,
RECEIVER, CALIFORNIA
CORRECTIONAL HEALTH CARE
SERVICES,
18
19 Defendants.

Case No. 1:11-cv-01954-LJO-BAM

**STIPULATION AND ORDER RE:
FILING DATE FOR DEFENDANT'S
RESPONSIVE PLEADING**

Judge: The Honorable Lawrence J. O'Neill
Action Filed: November 18, 2011

20 THE PARTIES HERETO, BY AND THROUGH THEIR ATTORNEYS OF RECORD,
21 HEREBY STIPULATE AND AGREE AS FOLLOWS:

22 Plaintiff Linda Rocha ("Plaintiff") and Defendant California Department of Corrections and
23 Rehabilitation ("CDCR"), collectively referred to as "Parties" unless otherwise specifically
24 referred to, hereby stipulate as follows:

- 25 1. On or about November 18, 2011, Plaintiff filed the instant action.
- 26 2. On or about May 3, 2012, Clark Kelso answered the Complaint.
- 27 3. On or about July 3, 2012, Plaintiff served CDCR. A responsive pleading is due
28 from CDCR by July 24, 2012.

1 4. In a letter dated July 18, 2012, Plaintiff represented she intends to file an
2 amended complaint with this court.

3 5. To preserve party and judicial resources, the Parties desire that Plaintiff file an
4 amended complaint before the CDCR proceeds with the filing of a responsive pleading.

5 6. The Parties therefore propose that any responsive pleading on behalf of CDCR
6 shall be filed no later than 20 days after Plaintiff files an Amended Complaint.

7 7. The Parties respectfully request that the Court enter this stipulation as an order.

8 **IT IS SO STIPULATED AND AGREED:**

9
10 Dated: July 23, 2012 /s/ William A. Romaine

11 WILLIAM A. ROMAINÉ
12 Attorney for Plaintiff LINDA ROCHA

13
14 Dated: July 23, 2012 /s/ Mary Horst

15 MARY HORST
16 Attorney for Defendant CDCR

17 Dated: July 23, 2012 /s/ Jaime G. Touchstone

18 JAIME G. TOUCHSTONE
19 Attorney for Defendant Clark Kelso

20 **ORDER**

21 Based on the Stipulation of the parties (Doc. 17), and for good cause shown, the Court
22 GRANTS the parties' request to continue CDCR's deadline to file an Answer to Plaintiff's
23 Complaint. CDCR shall file their Answer no later than 20 days after Plaintiff files an Amended
24 Complaint.
25

26
27
28 /././

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

Additionally, the Court CONTINUES the Initial Scheduling Conference currently set for August 22, 2012 (Doc. 15) to **September 20, 2012, at 8:30 AM**, in Courtroom 8, before the Honorable Barbara A. McAuliffe.

IT IS SO ORDERED.

Dated: July 24, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE