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7 *Carolyn Coon, Dr. Victor Torres, Dr. Maria Lopes*
and Dr. Luz Gonzalez

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12
13 **NEIL O'BRIEN, AN INDIVIDUAL,**

14 Plaintiff,

15 v.

16 **DR. PAUL M. OLIARO, DR. CAROLYN**
17 **V. COON, DR. VICTOR M. TORRES, DR.**
18 **LUZ GONZALEZ, ALL IN THEIR**
19 **PERSONAL CAPACITIES AND DOES 1**
20 **THROUGH 25, INCLUSIVE,**

Defendants.

1:12-cv-02017-AWI-SAB

**STIPULATION TO: 1) CHANGE
RESPONSE DATE TO FIRST
AMENDED COMPLAINT; AND 2)
CHANGE MANDATORY SCHEDULING
CONFERENCE DATES AND ORDER**

21 Plaintiff Neil O'Brien, through his counsel of record, and defendants Drs. Paul Oliaro,
22 Carolyn Coon, Victor Torres, Maria Lopes and Luz Gonzalez, through their counsel of record,
23 hereby stipulate:

24 **RECITAL**

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26 1. This court has ordered that defendants' response to plaintiff's First Amended
27 Complaint ("FAC") is due on May 17, 2016. [See Docket No. ["DN"] 37.] A Mandatory
28 Scheduling Conference is scheduled in this case on June 20, 2016. [DN 38.] A joint report is due

1 a week before and a conference of counsel must be completed at least 20 days before the
2 Mandatory Scheduling Conference. [*Id.*]

3 2. Defendants' counsel is on a trial team assigned to a case set for trial in Los
4 Angeles County Superior Court on May 9, 2016, *Knowledge & Intelligence Program*
5 *Professionals, etc. v. Anthony Lukin, et al.*, L.A.S.C. Case No. NC053503. The trial is expected
6 to start on time and to last for three weeks.

7 3. Counsel for defendants has a pre-paid trip to Asia planned from June 27, 2016 to
8 July 9, 2016.

9 4. The FAC is 65 pages long. This Court previously granted a motion to dismiss.
10 The Ninth Circuit has issued a 31 page order affirming this Court's ruling in part, reversing in
11 part and remanding the action. On May 2, 2016, the Ninth Circuit issued its mandate. Defense
12 counsel needs to take an appropriate amount of time to respond to the lengthy FAC, with due
13 consideration given to the Ninth Circuit's order.

14 5. Defense counsel seeks an extension to June 8, 2016 to file a response to the FAC.

15 6. Counsel seek to move the Mandatory Scheduling Conference and accompanying
16 dates to occur after defense counsel's trial and pre-paid trip are completed. Counsel propose
17 moving the Mandatory Scheduling Conference to Monday, August 1, 2016 or any date thereafter,
18 with a joint report due one week before it, and a conference of counsel to occur no later than 20
19 days before it.

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21 **STIPULATION**

22 The parties stipulate to: 1) changing the due date for defendants' response to the FAC to
23 June 8, 2016; and 2) changing the Mandatory Scheduling Conference to Monday, August 1, 2016
24 at 9:00 a.m. in Courtroom #9 of this Court, or such later date as may be convenient for the Court,

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1 with a joint report due one week before and a conference of counsel to occur no later than 20 days
2 before the Mandatory Scheduling Conference.

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4 Dated: May 6, 2016

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOEL A. DAVIS
Supervising Deputy Attorney General

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8 /s/ Molly S. Murphy
9 MOLLY S. MURPHY
10 Deputy Attorney General
11 *Attorneys for Defendants Dr. Paul Oliaro,
12 Dr. Carolyn Coon, Dr. Victor Torres, Dr.
13 Maria Lopes and Dr. Luz Gonzalez*

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16
17 Dated: May 6, 2016

Respectfully submitted,
LAW OFFICES OF BRIAN C. LEIGHTON

/s/ Brian C. Leighton
BRIAN C. LEIGHTON
Counsel for plaintiff Neil O'Brien

18 IT IS SO ORDERED. The Mandatory Scheduling Conference is reset for August 9, 2016
19 at 9:00 A.M., in Courtroom 9 before Magistrate Judge Stanley A. Boone. A Joint Scheduling
20 Conference report is due one week before the new conference date.

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22 IT IS SO ORDERED.

23 Dated: May 9, 2016


UNITED STATES MAGISTRATE JUDGE