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10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA  
13

14 GEORGETTE PICKETT, CHARLES )  
HUGHES, and FRANK SILVEIRA, as )  
15 individuals and on behalf of all others similarly )  
situated, )

16 Plaintiffs, )

17 v. )

18 JEFFREY A. BEARD, in his capacity as the )  
19 Secretary of the California Department of )  
Corrections and Rehabilitation; and DOES 2 )  
20 through 10, inclusive, )

21 Defendants. )  
22 )  
23 )

Case No. 1:13-CV-00084-AWI-BAM

**STIPULATION TO EXTEND TIME TO  
RESPOND TO SECOND AMENDED  
COMPLAINT; ORDER**

24 Whereas, on January 16, 2013, plaintiffs filed their original Complaint in this action;

25 Whereas, on February 20, 2013, plaintiffs filed their First Amended Complaint in this  
26 action;

27 Whereas, on March 11, 2013, defendant filed a Motion to Dismiss and/or Strike Plaintiffs'  
28 First Amended Complaint ("Motion to Dismiss") in this action;

1           Whereas, on June 6, 2013, this Court granted defendant's Motion to Dismiss and/or Strike  
2 without leave to amend as to plaintiffs' FLSA claims for injunctive relief, and with leave to amend  
3 as to plaintiffs' claims for declaratory relief and as to plaintiff Carlos Silveira;

4           Whereas, on June 26, 2013, plaintiffs filed a Second Amended Complaint in this action;

5           Whereas, defendant erroneously scheduled the last day to answer or otherwise respond to  
6 plaintiffs' Second Amended Complaint, and as a result, failed to answer or otherwise respond to the  
7 Second Amended Complaint within 14 days of service of the Second Amended Complaint as  
8 required by Federal Rule of Civil Procedure 15, subsection (a)(3);

9           Whereas, defendant requested and plaintiffs agreed that defendant may file and serve an  
10 answer or otherwise respond to the Second Amended Complaint on or before July 19, 2013;

11           Whereas, plaintiffs requested, and defendant agreed, that plaintiffs may have 14 calendar  
12 days, in addition to the amount of time provided by Federal Rule of Civil Procedure 12, to answer  
13 or otherwise respond to a Cross-Complaint defendant anticipates filing in this action in response to  
14 the Second Amended Complaint;

15           Accordingly, the parties to this action, through their respective attorneys of record, having  
16 telephonically conferred, DO HEREBY STIPULATE that the deadline to answer or otherwise  
17 respond to plaintiffs' Second Amended Complaint, originally set for July 10, 2013, shall be  
18 extended to July 19, 2013, and plaintiffs shall have 14 calendar days, in addition to the amount of  
19 time provided by Federal Rule of Civil Procedure 12, to answer or otherwise respond to a Cross-  
20 Complaint defendant anticipates filing in response to the Second Amended Complaint.  
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1 Dated: July 12, 2013

Respectfully submitted,

2 JOAN A. MARKOFF  
Chief Counsel

3 DAVID J. NEILL  
4 Deputy Chief Counsel

5 By: /s/ David D. King  
6 DAVID D. KING,  
7 Labor Relations Counsel  
8 Attorney for Defendants

9 Dated: July 12, 2013

By: /s/ Dennis Hyun  
10 DENNIS HYUN  
11 Attorney for Plaintiffs

12  
13 **ORDER**

14 In consideration of the parties' stipulation to extend the time for defendant to respond to  
15 plaintiffs' second amended complaint, it is ORDERED that the deadline for defendant to respond to  
16 plaintiffs' second amended complaint, originally set for July 10, 2013, shall be extended to July 19,  
17 2013. It is further ORDERED plaintiffs shall have 14 calendar days, in addition to the amount of  
18 time provided by Federal Rule of Civil Procedure 12, to answer or otherwise respond to a Cross-  
19 Complaint defendant anticipates filing in this action in response to the Second Amended Complaint.  
20

21 IT IS SO ORDERED.

22 Dated: July 12, 2013

/s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE