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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA**

22 SAMUEL MERCARDO, ET AL,

23 Plaintiffs,

24 v.

25 UNITED STATES OF AMERICA, ET AL.,

26 Defendants.

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Case No. 1:13-cv-01535 AWI-JLT

**JOINT STIPULATION TO EXTEND TIME  
FOR DEFENDANTS TO RESPOND TO  
THE FIRST AMENDED COMPLAINT  
AND [~~PROPOSED~~] ORDER**

**(Doc. 65)**

1 On December 9, 2016, Plaintiffs Samuel Mercado, Donald Gayle, Jesus Ramos, Jesus  
2 Andrade, Gilberto Gonzalez Betancourt, Wanna Win, Musa Gowon, Jose Portillo Mayorga, Victor  
3 Martinez, Jorge Rivera-Vallejo, Edgar Prado Castaneda, Gonzalo Cisneros Reyes, Lucio  
4 Palomares, and Hector Bazan filed a First Amended Complaint against the Defendants, the United  
5 States; its contractor, Management & Training Corporation (MTC); and the warden of the Taft  
6 Correctional Institution (TCI), Michael Benov. Pursuant to the court's order, the United States  
7 shall file a responsive pleading by December 29, 2016 and MTC need not file a responsive  
8 pleading. (ECF No. 59).

9 All defendants intend to challenge the present First Amended Complaint with motions.  
10 However, to allow all the parties to attempt to avoid motions as the Defendants' initial responses,  
11 counsel for all parties have met and conferred and agree to extend the deadline for responsive  
12 pleadings to and including February 6, 2017. As the parties are seeking to narrow the issues for  
13 any potential motions, or eliminate such motions entirely, good cause exists to continue the  
14 response date for the United States from December 29, 2016 to and including February 6, 2017,  
15 and also allow MTC and Michael Benov to and including February 6, 2017, for filing their  
16 motions, if necessary.

17 Accordingly, Plaintiffs and Defendants hereby stipulate and agree as follows:

18 1. The deadline for the United States to respond to the First Amended Complaint shall be  
19 extended up to and including February 6, 2017.

20 2. The deadline for Management & Training Corporation and Michael Benov to respond  
21 to the First Amended Complaint shall be set for February 6, 2017.

22 3. This stipulation will not alter the date of any event or any deadline already fixed by  
23 Court order.

24 DATED: December 19, 2016

Respectfully submitted,

(As authorized 12/19/2016)

/s/ Edward M. Higginbotham

EDWARD M. HIGGINBOTHAM

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DATED: December 21, 2016

BURKE, WILLIAMS & SORENSEN, LLP

(As authorized 12/19/2016)

/s/ Kristina Gruenberg

KRISTINA GRUENBERG

SUSAN E. COLEMAN

Attorney for Defendant  
Manangement & Training Corporation and  
Michael Benov

DATED: December 21, 2016

PHILLIP A. TALBERT  
United States Attorney

/s/ Alyson A. Berg

ALYSON A. BERG

Assistant United States Attorney  
Attorneys for Defendant,  
United States of America

**[PROPOSED] ORDER**

Having reviewed the stipulation submitted by the parties and for good cause showing, the court hereby orders as follows:

1. The deadline for the United States to respond to the First Amended Complaint shall be extended up to and including February 6, 2017.
2. The deadline for Management & Training Corporation and Michael Benov to respond to the First Amended Complaint shall be set for February 6, 2017.
3. This stipulation will not alter any other date of any event or any deadline already fixed by Court order.

IT IS SO ORDERED.

Dated: December 21, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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