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7 *Attorneys for Defendant*  
8 *J. Clark Kelso*

9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **FRESNO DIVISION**

11 DION BARNETT;  
DANNY DALLAS;  
12 CHRISTOPHER GARNER;  
RODNEY RAY ROBERTS;  
13 JEREMY ROMO;  
COREY LAMAR SMITH,

14 PLAINTIFFS,

15 v.

16 ARNOLD SCHWARZENEGGER,  
17 FORMER GOVERNOR OF THE STATE  
OF CALIFORNIA;

18 JEFFREY A. BEARD, PH.D.,  
19 SECRETARY OF THE CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
20 AND REHABILITATION (CDCR);

21 PAUL D. BRAZELTON, CURRENT  
WARDEN, PLEASANT VALLEY  
22 STATE PRISON;

23 EDMUND G. BROWN, GOVERNOR  
OF THE STATE OF CALIFORNIA;

24 MATTHEW CATE, FORMER  
25 SECRETARY OF THE CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
26 AND REHABILITATION;

27 JAMES D. HARTLEY, WARDEN  
AVENAL STATE PRISON;

Case No. 1:14-cv-00060-LJO-SAB

Related Cases: 1:13-cv-01055-LJO-SAB  
1:14-cv-00430-LJO-SAB

**STIPULATED APPLICATION AND  
ORDER FOR EXTENSION OF TIME TO  
RESPOND TO FIRST AMENDED  
COMPLAINT**

First Amended Complaint Filed: January 28,  
2014

1 SUSAN L. HUBBARD, FORMER  
2 DIRECTOR, DIVISION OF ADULT  
OPERATIONS;

3 DEBORAH HYSEN, CHIEF DEPUTY  
4 SECRETARY, FACILITIES  
5 PLANNING, CONSTRUCTION &  
6 MANAGEMENT;

7 DR. FELIX IGBINOSA, MEDICAL  
8 DIRECTOR, PLEASANT VALLEY  
STATE PRISON;

9 J. CLARK KELSO, THE HEAD OF THE  
10 CALIFORNIA CORRECTIONS HEALTH  
CARE SERVICES;

11 CHRIS MEYER, SENIOR CHIEF,  
12 FACILITIES PLANNING,  
CONSTRUCTION & MANAGEMENT

13 TANYA ROTHCHILD, FORMER  
14 CHIEF OF THE CLASSIFICATION  
SERVICES UNIT;

15 DWIGHT WINSLOW, M.D., FORMER  
16 MEDICAL DIRECTOR, CDCR;

17 JAMES A. YATES, FORMER  
WARDEN OF PLEASANT VALLEY  
STATE PRISON; AND

18 UNKNOWN DEFENDANTS 1-100,

19 DEFENDANTS,

20 SUED IN THEIR  
INDIVIDUAL CAPACITIES.

21 **STIPULATED APPLICATION**

22 Plaintiffs and Defendant J. Clark Kelso (“Kelso”), by and through their respective  
23 counsel, hereby bring this stipulated application pursuant to Civ. L.R. 144(b) to grant Kelso a 28-  
24 day extension of time, through and including June 5, 2014, within which to respond to the First  
25 Amended Complaint on file herein.

26 The parties previously agreed to two 28-day extensions of time by stipulation making  
27 Kelso’s response to the First Amended Complaint due on May 8, 2014.

28 ///

1 Good cause exists to grant this stipulated application because the parties are in  
2 discussions concerning resolution of this matter between them. Although they have made  
3 significant progress in discussing a resolution, they have not completed the writing  
4 memorializing their settlement.

5 Therefore, Plaintiffs and Kelso respectfully request that the Court grant a 28-day  
6 extension of time for Kelso to respond to the First Amended Complaint to and including June 5,  
7 2014.

8 Dated: May 5, 2014

FUTTERMAN DUPREE DODD  
CROLEY MAIER LLP

9 By: /s/ Martin H. Dodd  
10 Martin H. Dodd  
*Attorneys for Defendant J. Clark Kelso*

11 Dated: May 5, 2014

LAW OFFICES OF  
BENJAMIN PAVONE, PC

12 By: /s/ Benjamin Pavone  
13 (as authorized on 5/5/2014)  
14 Benjamin Pavone, Esq.  
*Attorneys for Plaintiffs Dion Barnett et al.*

15 **ORDER**

16 For good cause shown, the Stipulated Application of Plaintiffs and Kelso to grant Kelso a  
17 28-day extension of time to respond to the First Amended Complaint IS HEREBY GRANTED.  
18 Kelso shall have through and including June 5, 2014 to file his response to the First Amended  
19 Complaint.  
20

21 IT IS SO ORDERED.

22 Dated: May 6, 2014

  
23 UNITED STATES MAGISTRATE JUDGE