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5 **IN THE UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 ROBERT GOH, M.D.,

9 Plaintiff,

10 v.

11 UNITED STATES DEPARTMENT OF
12 VETERANS AFFAIRS and THE UNITED
13 STATES AIR FORCE.

14 Defendants

CASE NO. 1:14-cv-00315-LJO-SKO

**STIPULATION AND ORDER
GRANTING THIRD EXTENSION OF
TIME TO RESPOND TO COMPLAINT**

15 Plaintiff served his Complaint in this matter on April 9, 2014. Pursuant to Federal Rule of
16 Civil Procedure 4(i), the United States' responsive pleading was originally due on June 9, 2014.
17 Pursuant to Local Rule 144(a), the parties stipulated and agreed that Defendant would have an
18 extension of 21 days, up to and including June 30, 2014, within which to respond to Plaintiff's
19 Complaint [Dkt. No. 1], for purposes of pursuing settlement options. The Court granted that request,
20 and moved the scheduling conference to August 26, 2014, in that same order. [Dkt. No. 8.] Although
21 settlement efforts were unsuccessful, Plaintiff and Defendants identified the potential to narrow the
22 claims and defenses in the case, and Plaintiff was considering an amendment or his Complaint.

23 Thereafter, in order to permit Plaintiff time to fully consider his position and determine
24 whether to file an amended complaint, the parties agreed to a further 14-day extension for
25 Defendants' response to Plaintiff's Complaint, from June 30, 2014, to July 14, 2014. That request
26 was granted on July 2, 2014. [Dkt. No. 10.]

27 The parties have again met and conferred, and Plaintiff intends to file an Amended
28 Complaint based on that meet and confer. Thus, to avoid wasting the Court's and the parties'

1 resources on a responsive pleading to what will soon be a superseded complaint, the parties hereby
2 stipulate that the United States' response to the amended Complaint would be due 14 days after it is
3 filed. Federal Rule of Civil Procedure 15(a)(3).

4 Respectfully submitted,

5 DATED: July 17, 2014

6 By /s/ Nicholas Jurkowitz
7 Nicholas Jurkowitz
8 Attorney for Plaintiff

9 DATED: July 17, 2014

10 BENJAMIN B. WAGNER
11 United States Attorney

12 By: /s/ Gregory T. Broderick
13 GREGORY T. BRODERICK
14 Assistant United States Attorney

15 **ORDER**

16 Good cause appearing and in the interest of preserving the resources of the Court and the
17 parties, the parties' request to extend the time for Defendants to file an Answer is GRANTED.
18 However, the parties have not indicated by when Plaintiff will file an Amended Complaint, and the
19 case cannot remain pending indefinitely. See *In re Phenylpropanolamine (PPA) Products Liab.*
20 *Litig.*, 460 F.3d 1217, 1227 (9th Cir. 2006) (District courts have inherent power to control their
21 dockets.).

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 (1) Plaintiff shall file an Amended Complaint within thirty (30) days of this Order, by
24 August 18, 2014; and
25 (2) Defendants shall file an Answer or otherwise respond to Plaintiff's Amended Complaint
26 by September 1, 2014, or fourteen (14) days from the date of the filing of the Amended
27 Complaint, whichever is sooner, pursuant Federal Rule of Civil Procedure 15(a)(3).

28 IT IS SO ORDERED.

Dated: **July 18, 2014**

 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE