

1 BENJAMIN B. WAGNER
United States Attorney
2 GREGORY T. BRODERICK
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900

5 Attorneys for Defendants
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7 **IN THE UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 ROBERT GOH, M.D.,

11 Plaintiff,

12 v.

13 THE UNITED STATES AIR FORCE;
DEBORAH LEE JAMES, in her official
14 capacity as SECRETARY OF THE AIR
FORCE; and DOES 1-25,

15 Defendants
16

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

**STIPULATION AND ORDER TO FILE
SECOND AMENDED COMPLAINT**

17 Plaintiff served its Complaint in this matter on April 9, 2014, and filed a First Amended Complaint
18 on August 14, 2014. (Dkt. No. 13). Defendants filed a motion to dismiss three of the four claims in the
19 First Amended Complaint, and the Court granted the motion on October 9, 2014, dismissing those claims
20 with prejudice. (Dkt. No. 22). Plaintiff filed a Second Amended Complaint on October 22, 2014, to
21 eliminate the now-dismissed claims and parties (Dkt. No. 23), which the Court struck on October 24,
22 2014, because it was filed without a stipulation or leave from the Court. (Dkt. No. 24).

23 The parties believe it would be more efficient to have an operative complaint that lists only the
24 remaining claims and parties as well as the facts relevant to those claims and parties, and therefore
25 stipulate that Plaintiff be permitted to re-file the Second Amended Complaint (previously filed October
26 22, 2014). *See* Fed. R. Civ. P. 15(a)(2). The parties further stipulate that such Second Amended
27 Complaint shall be filed on or before November 7, 2014, and that any responsive pleading be filed on
28 or before November 21, 2014. *See* Fed. R. Civ. P. 15(a)(3).

1 Respectfully submitted,

2 DATED: October 31, 2014

3 By /s/ Nicholas Jurkowitz (auth 10/31/14)
4 Nicholas Jurkowitz
Attorney for Plaintiff

5 DATED: October 31, 2014

BENJAMIN B. WAGNER
United States Attorney

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7 By: /s/ Gregory T. Broderick
8 GREGORY T. BRODERICK
Assistant United States Attorney

ORDER

9 The parties having stipulated, and good cause appearing:

10 IT IS HEREBY ORDERED that Plaintiff shall re-file the October 22, 2014, Second
11 Amended Complaint on or before November 7, 2014, and that Defendants' responsive pleading shall
12 be due on or before November 21, 2014.

13 IT IS SO ORDERED.

14 Dated: November 5, 2014

15 /s/ Lawrence J. O'Neill
16 UNITED STATES DISTRICT JUDGE