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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

MAURICE C. MOCK

Plaintiff,

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION;
PLEASANT VALLEY STATE PRISON;
JEFFREY A. BEARD, in official capacity;
JOHN KEITH, in his individual and official
capacities; and DOES 1 through 50, inclusive,

Defendants.

Case No. 1:15-cv-01104-MJS

**STIPULATION TO CONTINUE
SETTLEMENT CONFERENCE; ORDER**

Current Settlement Conference Date: June 15,
2017

(Doc. 59)

The parties to the above-captioned matter stipulate as follows:

1. The Settlement Conference in this matter is currently scheduled for June 15, 2016,
at 10:30 a.m. in Department 7 before Hon. Sheila K. Oberto.

2. Plaintiff originally noticed the deposition of a potential witness, Charles Young,
whose testimony Plaintiff believes will be important for a meaningful opportunity to settle this
matter at the Settlement Conference, in March 2017.

3. However, due to a series of events outside of Plaintiff's control (and for the most

1 part out Defendants' control), Mr. Young's deposition has been delayed through the present
2 time:

3 a. On March 2, 2017, Defendant John Keith filed a complaint naming Mr.
4 Young as a defendant and the deposition had to be postponed because of a potential conflict of
5 interest that had developed among Defendants and their counsel. The parties met and conferred
6 and agreed to postpone the deposition until the conflict of interest issues could be resolved.

7 b. The Settlement Conference was then continued from April 11, 2017 to
8 June 15, 2017, as a result.

9 c. Shortly after those issues were resolved in late May 2017, the parties
10 agreed to a new date of June 9, 2017, for Mr. Young's deposition. On June 7, 2017, Mr.
11 Young's attorney advised that he was no longer available for deposition on June 9, 2017,
12 because of unforeseen circumstances.

13 4. As a result of the foregoing, the parties again met and conferred and agreed that a
14 further postponement of the Settlement Conference is now warranted as Plaintiff will not be in a
15 position to meaningfully discuss settlement until Mr. Young's deposition is held.

16 5. The parties now agree to vacate the current Settlement Conference date of June
17 15, 2017, and all filing deadlines associated with it. The parties will meet and confer to agree on
18 a new Settlement Conference date.

19 The parties so stipulate:

20 Dated: June 9, 2017

Xavier Becerra
Attorney General of California
David J. Neill
Supervising Deputy Attorney General

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24 /s/ Matthew T. Besmer
Matthew T. Besmer
Deputy Attorney General
Attorneys for Defendant CDCR

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28 Dated: June 9, 2017

KAHN, SOARES & CONWAY, LLP

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/s/ Robert B. Zumwalt
Richard C. Conway
Robert B. Zumwalt
Attorneys for Plaintiff

Dated: June 9, 2017

LONGYEAR, O'DEA & LAVRA, LLP

/s/ John A. Lavra
John A. Lavra
Attorneys for Defendant John Keith

ORDER

Good cause appearing on the parties' above Stipulation to Continue Settlement Conference (Doc. 59), it is hereby ORDERED that:

- 1. The Settlement Conference currently scheduled for June 15, 2017, is hereby VACATED;
- 2. All deadlines for filing and service of settlement conference statements in connection with the June 15, 2017, conference *only* are VACATED; and
- 3. Counsel for all parties are ORDERED to meet and confer and notify the court of a new Settlement Conference date by no later than August 15, 2017.

IT IS SO ORDERED.

Dated: June 9, 2017

/s/ Sheila K. Oberle
UNITED STATES MAGISTRATE JUDGE