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RICHARD V. SPENCER

13 Secretary of the Navy

15 IN THE UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA

18 DARRYL S. PHILLIPS,

19 Plaintiff,

20 v.

21 RICHARD V. SPENCER, Secretary of the
Navy,

22 Defendant.

Case No. 1:16-cv-01944-DAD-SKO

**STIPULATION AND ORDER FOR (1) FILING
THIRD AMENDED COMPLAINT; (2)
SETTING DEADLINE TO RESPOND TO
THIRD AMENDED COMPLAINT; AND (3)
CONTINUING SCHEDULING CONFERENCE**

(Doc. 56)

1 IT IS HEREBY STIPULATED, by and between the parties and subject to Court approval, that:

2 (1) Plaintiff shall file a Third Amended Complaint on or before February 23, 2018;

3 (2) Defendant shall respond to the Third Amended Complaint on or before March 23, 2018;
4 and

5 (3) the Scheduling Conference currently set for February 15, 2018, at 9:30 a.m., shall be
6 continued to April 26, 2018, at 9:30 a.m., and the parties shall file a Joint Scheduling
7 Report on or before April 19, 2018.

8 The reasons for this Stipulation are as follows:

9 1. Plaintiff Darryl S. Phillips retained counsel on October 23, 2017, and filed the operative
10 Second Amended Complaint (“SAC”) on December 15, 2017, alleging one claim for “Review of
11 Administrative Denial of Request to Upgrade Plaintiff’s Discharge to General Discharge.” ECF No. 51.
12 Defendant Richard V. Spencer’s initial response to the SAC is due to be filed on or before February 13,
13 2018. *See* ECF No. 50; Fed. R. Civ. P. 12(a).

14 2. Defendant lodged the Administrative Record on January 24, 2018. ECF Nos. 54, 55.

15 3. Beginning January 26, 2018, the parties met and conferred regarding Defendant’s
16 anticipated motion to dismiss the SAC. As a result of these discussions, the parties have agreed that
17 Plaintiff may file a Third Amended Complaint on or before February 23, 2018, and Defendant may
18 respond to the Third Amended Complaint on or before March 23, 2018.

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