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5 Attorneys for Plaintiff  
 6 MARISOL VIVANCO

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

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 12 MARISOL VIVANCO, individually and as  
 13 Successor in Interest of SOLTON VIVANCO  
 GONZALEZ (deceased),

14 Plaintiff,

15 v.

16 CALIFORNIA DEPARTMENT OF  
 17 CORRECTIONS & REHABILITATION,  
 SCOTT FRAUENHEIM, and DOES 1-50,  
 18 inclusive.

19 Defendants.

Case No.: 1:17-cv-00434-LJO-BAM

STIPULATION AND [~~PROPOSED~~] ORDER  
 TO CONTINUE  
 SCHEDULING CONFERENCE

Date: June 20, 2017  
 Time: 9:30 a.m.  
 Courtroom: 8  
 Judge: Hon. Barbara A. McAuliffe

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 21 IT IS HEREBY STIPULATED by and between the parties, Plaintiff, MARISOL VIVANCO,  
 22 individually and as successor in interest of SOLTON VIVANCO GONZALEZ (“Plaintiff”), and  
 23 Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION and  
 24 SCOTT FRAUENHEIM (collectively “Defendants”), by and through their respective attorneys of  
 25 record as follows:

- 26 1. The purpose of this Stipulation is to continue the Scheduling Conference currently set for  
 27 June 20, 2017 at 9:30 am in Courtroom 8 of the above-entitled Court.  
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STIPULATION AND [~~PROPOSED~~] ORDER TO CONTINUE SCHEDULING CONFERENCE

- 1 2. On or about March 24, 2017, Defendants filed an Amended Motion to Dismiss the  
2 Complaint filed by Plaintiff in this action (Docket #4), and a hearing was set for April 25,  
3 2017 at 8:30 a.m. in Courtroom 4 before Chief Judge Lawrence J. O’Neill.
- 4 3. On or about April 19, 2017, Chief Judge Lawrence J. O’Neill found the Motion suitable for  
5 decision without oral argument and vacated the April 25, 2017 hearing on the Motion. As of  
6 the drafting of this Stipulation, a ruling on Defendants’ Amended Motion to Dismiss has not  
7 been issued by the Court.
- 8 4. With consideration of the current state of the pleadings, and with the Court’s permission, the  
9 parties agree to a sixty-day continuance of the Scheduling Conference currently set for June  
10 20, 2017 at 9:30 am in Courtroom 8, in order to allow time for the Court to issue a ruling on  
11 Defendants’ Amended Motion to Dismiss.

12 DATE: June 13, 2017

JESSE ORTIZ LAW

13  
14 /s/Jesse Ortiz

Jesse Ortiz  
Nolan Berggren  
*Attorneys for Plaintiffs*

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19 DATE: June 13, 2017

XAVIER BECERRA  
Attorney General of California  
CHRISTOPHER J. BECKER  
Supervising Deputy Attorney General

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21  
22 /s/ Diana Esquivel

DIANA ESQUIVEL  
Deputy Attorney General  
*Attorneys for Defendants*

