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8 *California Department of Corrections and*
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

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14 **MARISOL VIVANCO, individually and as**
Successor in Interest of SOLTON
15 **VIVANCO GONZALEZ (deceased),**
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Plaintiff,
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v.
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19 **CALIFORNIA DEPARTMENT OF**
CORRECTIONS & REHABILITATION, et
20 **al.,**
21
Defendants.

1:17-cv-00434 LJO BAM

**STIPULATION AND ORDER TO (1)
EXTEND TIME FOR DEFENDANTS TO
FILE A REPLY IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT
AND (2) RESCHEDULE THE HEARING
ON THE MOTION**

Judge: The Honorable Barbara A.
McAuliffe
Action Filed: December 20, 2016

22 Defendants California Department of Corrections and Rehabilitation and Warden S.
23 Frauenheim, and Plaintiff Marisol Vivanco, stipulate that the Court extend the time for
24 Defendants to file a reply in support of their summary judgment motion by April 26, 2019, and
25 reschedule the hearing date on the motion from April 26, 2019 at 9 a.m. to June 7, 2019 at 9 a.m.

26 As explained in the accompanying declaration and required by Civil Local Rule 144, there
27 is good cause for granting an extension because Defendants require additional time to address
28

1 Plaintiff's opposition to facts which the parties had previously stipulated. (Decl. of Preeti K.
2 Bajwa ¶ 4.)

3 This is the parties' first request for an extension of time to file a reply in support of their
4 motion for summary judgment.

5 Dated: April 16, 2019

XAVIER BECERRA
Attorney General of California
NEAH HUYNH
Supervising Deputy Attorney General

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/s/ Preeti K. Bajwa
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California Department of Corrections and
Rehabilitation and S. Frauenheim

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14 Dated: April 16, 2019

/s/ Jesse Ortiz

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Attorneys for Plaintiff
Marisol Vivanco

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ORDER

Pursuant to the parties' stipulation, and good cause appearing, IT IS HEREBY ORDERED that Defendants shall file their reply in support of their motion for summary judgment by April 26, 2019. The hearing on Defendants' motion for summary judgment currently set for April 26, 2019, is HEREBY CONTINUED to **June 7, 2019, at 9:30 a.m. in Courtroom 8 (BAM)** before Magistrate Judge Barbara A. McAuliffe.

IT IS SO ORDERED.

Dated: April 17, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE