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8 Attorney for PLAINTIFF  
9 COLEMAN PAYNE

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12 **FRESNO DIVISION**

13 COLEMAN PAYNE, an individual,

14 PLAINTIFF,

15 STATE OF CALIFORNIA, a government entity  
16 and state in the United States; DEPARTMENT OF  
17 STATE HOSPITALS, a government agency form  
18 unknown; METROPOLITAN STATE HOSPITAL,  
19 an entity form unknown; COUNTY OF  
20 CALAVERAS, a government entity in the State of  
21 California; CALAVERAS COUNTY SHERIFF, a  
22 governmental agency of unknown form;  
23 CALAVERAS COUNTY JAIL, an entity form  
24 unknown; SERGEANT BAILEY, an individual;  
25 NURSE JOY, an individual; DOES 1 through 50,  
26 inclusive.

27 DEFENDANTS.

**Case No. 17-CV-00906-DAD-MJS**

**STIPULATION TO CONTINUE INITIAL  
SCHEDULING CONFERENCE FOR 60  
DAYS, ORDER**

**Date: February 2, 2017**

**Time: 10:00 a.m.**

**Courtroom: 6**

**Judge: Hon. Michael J. Seng**

**Trial Date: None Assigned**

**Action Filed: July 2, 2017**

28 **STIPULATION**

Plaintiff Coleman Payne (“Plaintiff”) and Defendants State of California, Department of State Hospitals, Metropolitan State Hospital, County of Calaveras, Calaveras County Sheriff, Calaveras County Jail, and Sergeant Bailey, aka JOHN BAILEY, by and through their respective counsel of record, , stipulate to have the upcoming Initial Scheduling Conference, scheduled for February 2, 2018, continued by 60 days on the bases of the following circumstances:

1           1.       The Court’s pending determination of the motion to dismiss brought by Defendants  
2 STATE OF CALIFORNIA, DEPARTMENT OF STATE HOSPITALS, and METROPOLITAN  
3 STATE HOSPITAL (State Defendants) may impact the State defendants’ inclusion in this matter.

4           2.       Plaintiff’s counsel has stated his desire for additional time to locate and serve  
5 Defendant “NURSE JOY” aka JOY LYNCH. Plaintiff’s counsel states that process servers are  
6 currently seeking to serve Defendant Joy Lynch, but have not yet been able to successfully serve  
7 her.

8           3.       Plaintiff’s counsel has stated his intent to add at least one Defendant soon, the  
9 employer for “NURSE JOY”. Plaintiff’s counsel has stated his intent to file a motion to add that  
10 Defendant and update the individual Defendants’ names to include their full names which Plaintiff  
11 has obtained subsequent to the filing of the complaint in this matter. Plaintiff intends to replace  
12 “Nurse Joy” with “Joy Lynch” and “Sergeant Bailey” with “John Bailey” as part of an upcoming  
13 Motion to Amend the Plaintiff’s Complaint.

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1           **IT IS HEREBY STIPULATED AND AGREED** by Plaintiff and Defendants, by and  
2 through their counsel, that:

3           1.       With the consent of the Court, the Initial Scheduling Conference shall be continued  
4 for 60 days or such other time as the Court sees fit for a continuance if any.

5           2.       This Stipulation may be executed in counterparts.  
6

7 **IT IS SO STIPULATED.**  
8  
9

10 DATED: January 17, 2018

MCCORMICK BARSTOW, LLP

11  
12 By: /s/ Deborah Byron

13 DEBORAH BYRON, Esq.

14 Attorneys for Defendants,

County Of Calaveras and Sergeant John Bailey  
15

16 DATED: January 18, 2018

OFFICE OF THE ATTORNEY GENERAL

17  
18 By: /s/ Lisa Tillman

19 Lisa Tillman, Esq.

20 Attorneys for Defendants,

State of California, Department of State

Hospitals, and Metropolitan State Hospital  
21

22 DATED: January 17, 2018

SLATER LAW, APC

23  
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25 By: /s/ Theodore Slater

26 Theodore Slater, Esq.

Attorneys for Plaintiff,

Coleman Payne  
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**Order**

Good cause being found and no prejudice to any party or the Court resulting, the Stipulation of the parties to continue the Initial Scheduling conference is accepted and adopted as the Order of the Court, and the Initial Scheduling Conference in Case No. 17-CV-00906-DAD-MJS is hereby continued to May 10, 2018 at 10:00am.

IT IS SO ORDERED.

Dated: January 25, 2018

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE