

1 Theodore Slater , Esq., SBN 267479
2 **SLATER LAW, APC**
3 1017 L. St. #294
4 Sacramento, CA 95814
5 Telephone: (818) 970-2241
6 Facsimile: (818) 804-3470
7 Email: theoslateresq@gmail.com

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.
28

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

**STIPULATION AND ORDER TO
EXTEND DEFENDANT JOY LYNCH
AKA NURSE JOY'S DEADLINE TO
RESPOND TO PLAINTIFF'S
COMPLAINT**

**Judge: Hon. Michael J. Seng
Trial Date: None Assigned
Action Filed: July 2, 2017**

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STIPULATION

Plaintiff Coleman Payne hereby stipulates pursuant to Local Rule 144 to an extension of time for defendant Nurse Joy to appear in this case through March 21, 2018, 28 days after the prospect defendant’s response otherwise would be due under a prior and shorter agreement between the effected parties.

Plaintiff is in the process of preparing an amended complaint with additional facts regarding Nurse Joy, and it is anticipated that the appearance by defendant Nurse Joy will be in response to the new pleading. Plaintiff’s counsel has participated in a meet and confer with counsel Jerome Varanini, Esq., who will be counsel for Nurse Joy when her appearance is made. The instant stipulation is a product of that meet and confer and avoids the necessity at this time for the prospective defendant to appear by motion and, thereby, serves the interests of judicial economy in avoiding a law and motion filing as well as the interests of the parties.

IT IS SO STIPULATED.

DATED: February 23, 2018

SLATER LAW, APC

By: /s/ Theodore Slater
Theodore Slater, Esq.
Attorneys for Plaintiff,
Coleman Payne

Order

Plaintiff submits a document denominated “Stipulation of the parties to allow additional time for Defendant Nurse Joy aka Joy Lynch to respond to Plaintiff’s Complaint”. It is signed and filed only by Plaintiff, and does not record or reflect Defendant Joy’s agreement to it. Nevertheless, the proposed Order is perceived as entirely favorable to said defendant, and good cause being found, the

COURT ORDERS :

Defendant Nurse Joy’s deadline to respond to Plaintiff’s moving papers in this action is shall not expire before March 21, 2018.

IT IS SO ORDERED.

Dated: February 23, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE