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 7 UNITED STATES DISTRICT COURT  
 8 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
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10 CHARLES HALSTEAD,  
 11 Plaintiff,  
 12 v.  
 13 GRACE RUSTIGIAN,  
 14 Defendant.

Case No. 1:17-CV-01337 SKO

**STIPULATION TO FILE FIRST  
 AMENDED COMPLAINT AND  
 WITHDRAW PENDING MOTION FOR  
 LEAVE TO AMEND; ORDER THEREON**

(Doc. 52)

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 17 Plaintiff Charles Halstead in propria persona and Defendant Grace Rustigian by and through  
 18 her counsel of record hereby stipulate as follows:

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- 20 1. On July 17, 2018, Plaintiff filed a noticed Motion for Leave to File First Amended  
 21 Complaint.
  - 22 2. McCormick Barstow LLP substituted in as counsel for Defendant, which consent  
 23 order regarding the substitution was executed by the Court on July 18, 2018.
  - 24 3. The Parties met and conferred and agreed to modify the proposed First Amended  
 25 Complaint underlying Plaintiff's Motion for Leave to File First Amended Complaint.
  - 26 4. Based on the agreement of the Parties, to conserve judicial resources on having to  
 27 rule on a opposition by Defendant, the Parties hereby stipulate that the Motion for Leave to File  
 28 First Amended Complaint filed by Plaintiff and set for hearing August 15, 2018, at 9:30 a.m., is

1 hereby withdrawn. The Parties request that the Court vacate the hearing on the above-referenced  
2 motion.

3 5. The Parties further stipulate to Plaintiff filing a First Amended Complaint as attached  
4 hereto as Exhibit "A", to having the First Amended Complaint deemed filed upon the Court's  
5 execution of the Order below, and that Defendant Grace Rustigian and both newly named defendants  
6 shall have 21 days to file a responsive pleading.

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8 Dated: August 1, 2018

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By: /s/ Charles Halstead (as authorized on 8/1/18)  
Charles Halstead, in propria persona

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14 Dated: August 1, 2018

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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By: /s/ Christina C. Tillman  
Christina C. Tillman  
Attorneys for Grace Rustigian

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**ORDER**

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23 Based on the parties' above Stipulation to File First Amended Complaint and Withdraw  
24 Pending Motion for Leave to Amend (the "Stipulation") (Doc. 52), Plaintiff's Motion for Leave to  
25 File First Amended Complaint (the "Motion") (Doc. 35) is HEREBY WITHDRAWN. The Motion  
26 hearing date of August 15, 2018 is VACATED.

27 In further accordance with the Stipulation, the Clerk of the Court is DIRECTED to file  
28 Plaintiff's First Amended Complaint attached as Exhibit "A" to the Stipulation (Doc. 52, Ex. A) on

1 the docket captioned as Plaintiff's First Amended Complaint, which is deemed filed as of the date  
2 of this Order. In view of the filing of Plaintiff's First Amended Complaint, Plaintiff's Amended  
3 Motion for Leave to File First Amended Complaint (Doc. 37), is DENIED as moot.

4 All Defendants named in the First Amended Complaint SHALL have twenty-one (21) days  
5 from the date of this Order to file a responsive pleading.

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7 IT IS SO ORDERED.

8 Dated: August 2, 2018

*/s/ Sheila K. Oberto*  
9 UNITED STATES MAGISTRATE JUDGE

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