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9 JEFFREY W. ROHLFING, M.D.
10 and A. GILLETT

11 **IN THE UNITED STATES DISTRICT COURT**

12 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 PAUL MAGNAN,

14 Plaintiff,

15 vs.

16 D.L. RUNNELS, et al.,

17 Defendants.
18 _____

) CASE NO. CIV.S-03-1099 GEB KJM

)
) **STIPULATION AND ORDER TO**
) **VACATE PRETRIAL CONFERENCE**
) **AND TRIAL DATE**

19 **COME NOW** Defendants Jeffrey W. Roling, M.D. and A. Gillett, by and through their
20 attorney of record Shanana L. Hewitt of MORENO & RIVERA, LLP; Plaintiff Paul Magnan by
21 and through his attorney of record Jeff Price; Defendants David Runnels and M.S. Evans by and
22 through their attorney of record Kathleen J. Williams of WILLIAMS & ASSOCIATES;
23 Defendant K. Baughman by and through her attorney of record Mark Harris; Defendant Jeff
24 Briddle by and through one of his attorneys of record Jennifer Marquez of LONGYEAR,
25 O’DEA & LAVRA, LLP; Defendant Knight (Voros) by and through her attorney of record
26 Carrie A. Frederickson of ANGELO, KILDAY & KILDUFF and hereby submit this stipulation
27 and proposed order requesting that the Court vacate the pretrial conference currently set for
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1 March 15, 2010 and the trial scheduled for April 12, 2010 in light of the Defendants' pending
2 motions for summary judgment.

3 On June 18, 2009, this Court issued an order on Plaintiff's motion to continue trial and
4 pretrial dates whereby the Court ordered dispositive motions to be filed by February 24, 2010, a
5 pretrial conference scheduled for March 15, 2010, and a trial date of April 12, 2010 (Doc. 133).
6 On February 23, 2010, Defendant David Runnels filed his motion for summary judgment
7 currently set for hearing on March 31, 2010 (Docs. 154, 155). Defendant M.S. Evans filed his
8 motion for summary judgment on February 23, 2010 currently set for hearing on March 31,
9 2010 (Doc. 153). On the same date, Defendants Jeffrey Rohlfing, M.D. and A. Gillett filed their
10 motions for summary judgment also set for March 31, 2010 (Doc. 156). On February 24, 2010,
11 Defendant K. Baughman filed her motion for summary judgment set for hearing on March 31,
12 2010 (Docs.157-161). Currently, Defendant Jeff Bridle's motion for summary judgment
13 (Doc.145) is set for hearing on March 10, 2010 although Plaintiff has recently filed an ex parte
14 application to continue the hearing to March 31, 2010 as well (Doc. 162).

15 Given the hearings on Defendants' motions for summary judgment will be heard (with
16 the possible exception of Defendant Bridle) on March 31, 2010, over two weeks *after* the
17 scheduled pretrial conference and twelve (12) days before the scheduled start of trial, all parties
18 to this action have agreed that good cause exists to vacate the pretrial conference and trial dates,
19 and request that these dates be rescheduled after the Court issues its rulings on these dispositive
20 motions. Otherwise, the parties will be forced to expend great time and expenses preparing for
21 trial while their motions for summary judgment are still pending. The parties believe that
22 vacating the pretrial conference and trial dates will best serve the interests of justice and judicial
23 economy.

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THEREFORE, IT IS HEREBY STIPULATED by and between the parties that the March 15, 2010 pretrial conference and April 12, 2010 trial date be vacated and rescheduled after disposition of Defendants' pending motions for summary judgment.

Dated: March 1, 2010 /s/ Shanan L. Hewitt
SHANAN L. HEWITT
Attorney for Defendants Jeffrey W. Rohlfing, M.D.
and A. Gillett

Dated: March 1, 2010 /s/ Jeff Price
JEFF PRICE
Attorney for Plaintiff

Dated: March 1, 2010 /s/ Kathleen J. Williams
KATHLEEN WILLIAMS
Attorney for Defendants David Runnels and
M.S. Evans

Dated: March 1, 2010 /s/ Mark Harris
MARK HARRIS
Attorney for Defendant K. Baughman

Dated: March 1, 2010 /s/ Jennifer Marquez
JENNIFER MARQUEZ
Attorney for Defendant Jeff Bridle

Dated: March 1, 2010 /s/ Carrie A. Frederickson
CARRIE A. FREDERICKSON
Attorney for Defendant Knight (Voros)

Good Cause appearing,

IT IS HEREBY ORDERED THAT the pretrial conference set for March 15, 2010 and trial date of April 12, 2010 are vacated and will be rescheduled, if necessary, after the pending motions for summary judgment are decided.

Dated: March 4, 2010.



U.S. MAGISTRATE JUDGE