

1 XAVIER BECERRA, State Bar No. 118517
 Attorney General of California
 2 TRACY S. HENDRICKSON, State Bar No. 155081
 Senior Assistant Attorney General
 3 KELLI M. HAMMOND, State Bar No. 217485
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 210-7367
 6 Fax: (916) 324-5205
 E-mail: Kelli.Hammond@doj.ca.gov
 7 Attorneys for Defendants Pliler, Rosario
 Stiles, Goughnour and Vance

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

12
 13 **REX CHAPPELL,**
 14 Plaintiff,
 15 v.
 16 **C. K. PLILER, et al.,**
 17 Defendants.

2:04-cv-1183 TLN DB P

**STIPULATION TO EXTEND TIME FOR
 DEFENDANTS TO FILE THEIR
 PRETRIAL STATEMENT AND
 OPPOSITION TO THE ATTENDANCE
 OF INCARCERATED WITNESSES FOR
 TRIAL; PROPOSED ORDER**

STIPULATION

21 The parties to this action stipulate, and seek court approval of their stipulation, to modify
 22 the scheduling order to allow Defendants to file a pretrial statement and opposition to the
 23 attendance of incarcerated witnesses for trial no later than November 17, 2017. The stipulation is
 24 necessary because counsel for Defendants is currently assigned full-time to the matter of
 25 *Coleman, et al., v. Brown, et al.*, Case No. 2:90-cv-00522-KJM-KJN.

26 *Coleman, et al., v. Brown, et al.*, is a long-running class action concerning mental-health
 27 care for California state prison inmates, in the remedial stage. A contempt hearing was set for
 28 November 3, 2017, for consideration of findings of contempt and consideration of sanctions for

1 non-compliance with court directives that may have accumulated between May 16, 2017, and the
2 November hearing. (ECF No. 5610 at 11.) Counsel for Defendants was assigned to assist the
3 team of attorneys assigned to Coleman to prepare for the November 3, 2017 hearing. The hearing
4 was vacated, to be rescheduled at a later date. (ECF No. 5720.) Although the November 3
5 hearing is currently off calendar, defendants anticipate that the matter will be re-set and the
6 evidence will need to be presented. A November 9, 2017 deadline was set for completion of the
7 work assigned including, finalizing record reviews and preserving witness testimony so that the
8 *Coleman* defendants are prepared to proceed when the court places the matter back on its
9 calendar. However, counsel for Defendants in this matter did not receive a complete set of
10 medical records for the *Coleman* project until November 7, 2017, therefore, time for completion
11 of the *Coleman* project was extended.

12 Accordingly, the parties, through their respective counsel of record, stipulate that the
13 deadline for Defendants Piler, Rosario, Stiles, Goughnour and Vance to file their pretrial
14 statement and an opposition to the attendance of incarcerated witnesses for trial shall be extended
15 to November 17, 2017.

16 **IT IS SO STIPULATED:**

17 Dated: November 13, 2017

/s/ *Matthew Strugar*
Matthew Strugar
Attorney for Plaintiff Rex Chappell

19
20 Dated: November 13, 2017

/s/ *Kelli M. Hammond*
Kelli M. Hammond
Deputy Attorney General
*Attorney for Defendants Piler, Goughnour,
Rosario, Stiles, and Vance*

23 **IT IS SO ORDERED.**

24
25 DATED: November 13, 2017

26
27 /s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE