

1 **P O R T E R | S C O T T**

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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 RICHARD M. GILMAN, DENNIS
14 ANDERSON, ROBERT A. GOULD, JR.,
15 CHARLES LEWIS, RICHARD LEWIS and
16 GLORIA OLSON, on their own behalf and on
17 behalf of those similarly situated,

18 Plaintiffs,

19 v.

20 BOOKER WELCH, et al.,

21 Defendants.
22 _____/

Case No. 2:05-cv-00830-LKK-GGH

**STIPULATION AND ORDER TO
EXTEND BRIEFING SCHEDULE FOR
MOTIONS TO AMEND COMPLAINT,
FOR CLASS CERTIFICATION AND
FOR PRELIMINARY INJUNCTION**

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs RICHARD
24 M. GILMAN, DENNIS ANDERSON, ROBERT A. GOULD, JR., CHARLES LEWIS, RICHARD
25 LEWIS and GLORIA OLSON and Defendants BOOKER WELCH, MARTIN HOSHINO,
26 JAMES DAVIS, JONES MOORE, LOUIE DININNI, NOREEN BLONIEN and ARNOLD
27 SCHWARZENEGGER that the time for briefing on the above-referenced motions be
28 continued an additional four days so that oppositions or statements of non-opposition shall
be filed on or before January 9, 2009 and reply briefs, if any, shall be filed not later than
January 16, 2009.

**STIPULATION AND ORDER TO EXTEND BRIEFING SCHEDULE FOR MOTIONS TO
AMEND COMPLAINT, FOR CLASS CERTIFICATION AND FOR PRELIMINARY
INJUNCTION**

1 Good cause exists for the granting of the four day extension of the briefing schedule
2 set forth in the order filed December 23, 2008, Docket # 158, on the grounds that counsel for
3 Defendants only recently substituted into this case on December 17, 2008 and had previously
4 scheduled to be out of the office from December 24 to December 28 and December 31 to
5 January 2, 2009 and therefore the deadline for filing oppositions not later than January 5,
6 2009, presents an undue hardship on counsel for Defendants. In addition, to the extent
7 evidentiary declarations may be necessary to oppose the Motion for Preliminary Injunction,
8 counsel for Defendants believes that it will be extremely difficult to communicate with the
9 necessary parties over the upcoming holidays in order to obtain those declarations.
10 Furthermore, counsel for Plaintiffs has requested the additional four day extension within
11 which to file the reply brief, if any, because King Hall students return to school on January
12 12, 2009 and therefore would be available to work on those briefs until they would be due
13 on the new filing date of January 16, 2009. This will not alter the hearing date of January 30,
14 2009. The parties respectfully submit that the respective four day extensions to the briefing
15 schedule is therefore reasonable and necessary in this case.

16 WHEREFORE, the parties respectfully that the Court grant this Stipulation and Order
17 to modify to the briefing schedule as requested above.

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19 Dated: December 23, 2008

U.C. DAVIS CIVIL RIGHTS CLINIC

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By /s/ Carter C. White

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Carter C. White

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Attorney for Plaintiffs

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RICHARD M. GILMAN, DENNIS
ANDERSON, ROBERT A. GOULD, JR.,
CHARLES LEWIS, RICHARD LEWIS and
GLORIA OLSON

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2 Dated: January 5, 2009

PORTER SCOTT
A PROFESSIONAL CORPORATION

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By /s/ Terence J. Cassidy
Terence J. Cassidy
Attorney for Defendants
BOOKER WELCH, MARTIN HOSHINO,
JAMES DAVIS, JONES MOORE, LOUIE
DININNI, NOREEN BLONIEN and
ARNOLD SCHWARZENEGGER

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8 IT IS SO ORDERED.

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Dated: January 5, 2009

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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