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

13 **HIPOLITO M. CHACOAN,**  
 14  
 Plaintiff,  
 15  
 v.  
 16  
 17 **DR. ROHRER, et al.,**  
 18  
 Defendants.

CIV. S-05-2276 FCD GGH PC  
**STIPULATION AND ORDER TO  
 EXTEND DEADLINE FOR FILING  
 JOINT PRETRIAL STATEMENT**  
 Judge: Frank C. Damrell, Jr.  
 Trial Date: September 14, 2010  
 Action Filed: November 9, 2005

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 20 The parties stipulate to extend the deadline for filing the parties' Joint Pretrial Conference  
 21 Statement until Wednesday, March 3, 2010. Pursuant to Local Rule 144(a), counsel request that  
 22 the Court enter an order approving this stipulation extending time for the following reasons:

- 23 1. Trial of this matter has been reset to September 14, 2010.
- 24 2. There is presently no pretrial conference scheduled.
- 25 3. The court has previously ordered that the parties file a Joint Pretrial Statement by  
 26 February 12, 2010. The parties have circulated a draft statement, but have disagreements over  
 27 wording, particularly concerning the core undisputed and disputed facts. Owing to pressing  
 28 deadlines in other cases and other calendaring conflicts, the parties have been unable to resolve

1 their differences and require additional time to reach agreement on the wording of the joint  
2 statement.

3 4. All counsel are working cooperatively, and the delay in finishing the joint statement  
4 is the result of honest disagreements and crowded and conflicting work schedules including:

5 a. Counsel for defendant Traquina, M.D. had an appellate brief due on February 4,  
6 2010, February 15 was a state holiday (with no staff available), and he was in Fresno for  
7 depositions noticed by another party in a state court matter on February 16 and 17. He has expert  
8 discovery in the same matter on February 22, and a summary judgment motion in another state  
9 court matter which must be filed by February 26.

10 b. Counsel for Defendant Naku, M.D. was out of the office from February 12 until  
11 February 19, and will also be gone from February 23-26 on depositions outside of Sacramento  
12 County in another matter.

13 c. Counsel for Plaintiff indicates that he has also had an extremely heavy  
14 workload in other matters.

15 5. The parties are aware that they have previously requested extensions of time, and are  
16 asking for what they believe is sufficient time to overcome all remaining scheduling difficulties  
17 and finalize the joint statement. Accordingly, counsel request that the deadline for filing the Joint  
18 Pretrial Statement be extended to Wednesday, March 3, 2010.

19 SO STIPULATED.

20 Dated: February 19, 2010

Respectfully submitted,

21 EDMUND G. BROWN JR.  
22 Attorney General of California  
23 STEVEN M. GEVERCER  
24 Supervising Deputy Attorney General

*/s/Stephen C. Pass*

25 STEPHEN C. PASS  
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27 *Attorneys for Defendant*  
28 *Alvaro Traquina, M.D.*

1 Dated: February 19, 2010

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By: */s/Edward P. Sangster*

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7 Dated: February 19, 2010

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16 IT IS SO ORDERED. The parties shall file their Joint Pretrial Statement by Wednesday,  
17 March 3, 2010.

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19 Dated: February 19, 2010

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FRANK C. DAMRELL, JR.

UNITED STATES DISTRICT JUDGE

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