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

12
13 **LARRY GIRALDES,**

14 Plaintiff,

15 v.

16 **ROCHE, et al.,**

17 Defendants.
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2:06-CV-2277 MCE CMK

**STIPULATION TO STAY ACTION FOR
120 DAYS PENDING SETTLEMENT
NEGOTIATIONS**

AND ORDER

19 Plaintiff pro per, Larry Giraldes, Jr., and Defendants James and Roche, through their
20 attorney of record Tracy S. Hendrickson, stipulate to stay this action for 120 days, to and
21 including September 14, 2010, pending settlement negotiations. The parties will attempt a global
22 settlement of this case and two other related cases filed by Plaintiff (*Giraldes v. Prebula*, CIV-S-
23 01-2110 LKK PAN P and *Giraldes v. Hicimbothom*, 1:09-CV-0154 DLB). Although defense
24 counsel does not yet have settlement authority, efforts are being undertaken to promptly secure
25 that authority and, assuming authority is provided, to schedule possible mediation of this matter.
26 Defense counsel and Plaintiff have conferred by telephone on several occasions to discuss
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1 settlement issues and to contemplate scheduling mediation when/if settlement authority is
2 granted.

3 In the interim, the parties request that the Court vacate the deadline for Plaintiff to oppose
4 Defendants' motion for summary judgment, stay the Court's decision on Defendants' motion for
5 leave to file an amended answer, and refrain from setting a trial date until the parties have had an
6 opportunity to conduct settlement negotiations. The parties anticipate that settlement authority, if
7 provided, would dispose of the entire case and two of Plaintiff's other related cases.

8 In the event settlement negotiations are unsuccessful, counsel for Defendant will promptly
9 notify the Court. The parties request that upon such notification, the Court allow Plaintiff twenty-
10 one days to oppose the supplemental summary judgment motion, and that the Court render a
11 decision on Defendants' motion for leave to amend the answer.

12 IT IS SO STIPULATED.

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14 DATED: May 13, 2010.

/s/ Tracy S. Hendrickson
TRACY S. HENDRICKSON
Office of the Attorney General
Attorneys for Defendants Roche and James

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19 DATED: May 19, 2010.

/s/ Larry Giraldez, Jr.
LARRY GIRALDES, JR.
Plaintiff Pro Per

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22 **ORDER**

23 The Court, having considered the Parties' Stipulation, and good cause appearing, orders
24 that this case shall be stayed for 120 days, to an including September 14, 2010, to permit the
25 parties to negotiate settlement. Accordingly, the Court will not now rule on Defendants' Motion
26 for Leave to Amend the Answer, and Plaintiff shall not be required, at this time, to oppose
27 Defendants' Supplemental Motion for Summary Judgment. In the event the parties are unable to
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1 reach a settlement, defense counsel shall promptly notify the Court and the Court shall issue an
2 order that Plaintiff shall have twenty-one days from the date of the order to file and serve a
3 written opposition to Defendants' Supplemental Motion for Summary Judgment. The Court will
4 also rule on Defendants' Motion for Leave to Amend the Answer.

5 IT IS SO ORDERED:

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8 DATED: May 24, 2010

9 **CRAIG M. KELLISON**
10 **UNITED STATES MAGISTRATE JUDGE**

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I declare:

On May 19, 2010, I served the attached **STIPULATION TO STAY ACTION FOR 120 DAYS PENDING SETTLEMENT NEGOTIATIONS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

In Pro Per

D. Kulczyk
Declarant

/s/ D. Kulczyk
Signature