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*Attorneys for Defendants Wagner, Rohrer, Keller, Noriega, and Moser.*

19 Defendants Wagner, Rohrer, Keller, Noriega, and Moser (Defendants) respectfully request  
20 a twenty-one (21) day extension of time to respond to Interrogatories propounded by Plaintiff  
21 before this Court issued its Order regarding discovery on March 31, 2010. (Docket #110.) As  
22 further set forth in the attached declaration of Defendants' counsel, Plaintiff propounded eight  
23 sets of new discovery while Defendants' Motion for Protective Order (Docket #70) regarding  
24 seventy-five pages of previously-propounded discovery was still pending. Specifically, Plaintiff  
25 propounded three new sets of Requests for Admissions and five new sets of Interrogatories.

26 Defendants have prepared and served responses to all three sets of Requests for  
27 Admissions, but require additional time to prepare and serve responses to the five sets of  
28 ///

1 Interrogatories. The current deadline is April 26, 2010, but Defendants respectfully request an  
2 extension of time to and including May 17, 2010, to serve their responses.

3 This is Defendants' first request for an extension of time to respond to discovery. This  
4 request is not made for an improper purpose, and a decision by this Court to grant the request will  
5 not cause prejudice to Plaintiff's case or unduly delay the prosecution of this action.

6 Because the Plaintiff is incarcerated, the undersigned did not consult with him prior to  
7 submitting this request.

8 || Dated: April 14, 2010

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
KENNETH R. WILLIAMS  
Supervising Deputy Attorney General

*/s/ Misha D. Igra*

MISHA D. IGRA  
Deputy Attorney General  
*Attorneys for Defendants*

## DECLARATION OF MISHA D. IGRA

I, Misha D. Igra, declare:

1. I am currently employed by the California Department of Justice as a Deputy Attorney General in the Correctional Law Section. I am licensed to practice before all of the courts of the State of California, as well as the United States District Court for the Eastern District of California. I have personal knowledge of each of the matters set forth in this Declaration.

2. I represent Defendants Wagner, Rohrer, Keller, Noriega, and Moser (Defendants) in the matter of *Scott v. Keller*, U.S.D.C. Eastern District of California, case number 2:07-CV-00184 KJD PAL.

3. After Plaintiff filed a motion for additional discovery (Docket #103) before he responds to Defendants' Motion for Summary Judgment (Docket # 93), and while Defendants' Motion for a Protective Order (Docket #70) was still pending, Plaintiff served me with eight sets of additional discovery. More specifically, on March 10, 2010, I received three sets of Requests for Admissions directed to Dr. Noriega, Dr. Rohrer, and Defendant Keller. The same day, I received five sets of Interrogatories directed to Dr. Noriega, Dr. Rohrer, Defendant Keller, Defendant Wagner, and Defendant Moser.

4. On March 31, 2010, this Court issued an Order which provides, in part, "Defendants' Motion for Protective Order (Dkt. #70) is GRANTED. Plaintiff may serve up to twenty-five interrogatories on the Defendants and requests for admissions which comply with Rule 36 and the cases cited in this order." (Docket # 110, Order, 6:23-25.)

5. I have interpreted the March 31, 2010 Order to retroactively authorize the eight sets of discovery received from Plaintiff on March 10, 2010, and to render moot Plaintiff's motion for additional discovery. (Docket #103.) Given the 45-day discovery timeline provided in this Court's Discovery Order (Docket #28, Order, 1:22-23), the deadline for responses is currently Monday, April 26, 2010.

6. Since receiving the Court's Order, I have prepared and served Plaintiff with responses to all of the Requests for Admissions. But I require additional time to gather information and prepare responses to the several sets of Interrogatories. Therefore, I respectfully

1 request a three-week extension of time to and including May 17, 2010, to serve responses to  
2 Plaintiff's five most recent sets of Interrogatories directed to Dr. Noriega, Dr. Rohrer, Defendant  
3 Keller, Defendant Wagner, and Defendant Moser.

4 6. I make this request in order to be able to properly address the interrogatories, and  
5 not for an improper purpose.

6 7. Due to the fact that the Plaintiff is currently incarcerated, I have not consulted with  
7 him prior to submitting this request.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed at Sacramento, California on April 14, 2010.

10  
11 /s/ Misha D. Igra  
11 MISHA D. IGRA

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Scott v. Keller, et al.**  
No.: **2:07-CV-00184 KJD PAL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 14, 2010, I served the attached:

• **DEFENDANTS' REQUEST FOR 21-DAY EXTENSION OF TIME TO RESPOND TO DISCOVERY**

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:

Maurice Scott, J-43336  
California State Prison - Solano  
P.O. Box 4000  
Vacaville, CA 95696-4000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **April 14, 2010** at Sacramento, California.

D. Jones

**D. Jones**  
Declarant

/s/ D. Jones

Signature

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## MAURICE SCOTT.

Case No. 2:07-CV-00184 KJD PAL

## ORDER

**Plaintiff,**

V.

## MTA KELLER.

## Defendants.

Good cause appearing, Defendants' Request for Extension of Time to Respond to Discovery is GRANTED. Defendants' deadline to serve responses to Plaintiff's Interrogatories directed to Dr. Noriega, Dr. Rohrer, Defendant Keller, Defendant Wagner, and Defendant Moser is extended to and including May 17, 2010.

Dated: April 15, 2010

Peggy A. Leen  
The Honorable Peggy A. Leen

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Scott v. Keller, et al.**  
No.: **2:07-CV-00184 KJD PAL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 14, 2010, I served the attached:

• **[PROPOSED] ORDER**

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:

Maurice Scott, J-43336  
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Vacaville, CA 95696-4000  
*In Pro Per*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **April 14, 2010**, at Sacramento, California.

D. Jones

## Declarant

/s/ D. Jones

### Signature

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