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8 Attorneys for Plaintiff  
 9 ASKIA S. ASHANTI

10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

12 ASKIA S. ASHANTI,	)	CASE NO. CIV-S-07-0807-MCE GGH
	)	
13 Plaintiff,	)	<b>SECOND STIPULATION TO</b>
	)	<b>CONTINUE HEARING ON</b>
14 vs.	)	<b>PENDING MOTIONS; ORDER</b>
	)	
15 JAMES E. TILTON (Former CDCR-Secretary),	)	
16 MATTHEW CATE (Current CDCR Secretary)	)	
*California Department of Corrections and	)	
17 Rehabilitation (CDCR), et al.	)	
	)	
18 Defendants,	)	
	)	

19 The parties hereto, through their undersigned counsel of record, hereby stipulate,  
 20 under Local Rule 6.2, to extend the hearing date for the pending motions (Motion for Default  
 21 filed by plaintiff Ashanti and Motion to Modify Scheduling Order filed by defendants)  
 22 currently set for February 11, 2010, for a period of thirty (30) days, to a date in mid-March  
 23 2010, as is convenient for the court's calendar.

24 The parties previously stipulated to a 60-day continuation from December 3, 2009, to  
 25 February 11, 2010, anticipating that the 60-day period would be sufficient to arrange for and  
 26 conclude a formal mediation or settlement conference. However, because of calendaring  
 27 conflicts for counsel and Magistrate Judge Vadas, before whom the mediation will take place,  
 28 the matter could not be scheduled until February 1, 2010 (Doc. #69).

1 Under the currently rescheduled hearing date, the parties would have to expend  
2 significant time and fees in preparing oppositions and replies to the motions, while engaged in  
3 mediation. Thus, the parties request a further continuance of the hearing date to permit the  
4 parties to focus their time and energy on mediation and settlement efforts, before significant  
5 time and attorneys' fees have to be incurred in opposing and replying to these motions, if  
6 necessary. The parties believe the above constitutes "good cause" for the court to adopt the  
7 stipulation as the court's order.

8 DATED: December 9, 2009.

9 Respectfully submitted,

10 LAW OFFICES OF JOANNA R. MENDOZA, PC

11 /s/ Joanna R. Mendoza  
12 JOANNA R. MENDOZA  
13 Attorney for the Plaintiff ASHANTI

14 EDMUND G. BROWN, JR.  
15 Attorney General of California  
16 VICKIE P. WHITNEY  
17 Supervising Deputy Attorney General

18 /s/ Ellen Y. Hung  
19 ELLEN Y. HUNG  
20 Deputy Attorney General  
21 Attorneys for the Defendant CATE

22 **[PROPOSED]**

23 **ORDER**

24 PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that the  
25 hearings on the Motion for Default filed by plaintiff Ashanti and the Motion to Modify the  
26 Scheduling Order filed by defendant Cate, both currently scheduled for hearing on February  
27 11, 2010, shall be continued to 10:00 a.m. on February 25, 2010.

28 DATED: December 18, 2009

/s/ Gregory G. Hollows  
MAGISTRATE JUDGE  
GREGORY G. HOLLOWES