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 Attorneys for Plaintiffs
 6 SHERIE LEMIRE individually and as personal representative for the ESTATE OF
 ROBERT ST. JOVITE; GERARD CHARLES ST. JOVITE and NICOLE ST. JOVITE

7
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 8 Attorney General of the State of California
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15 Attorneys for Defendants
 16 Alcaraz, Cahoon, California Department of Corrections and Rehabilitation, Carey, Chua,
 Dusay, Hak, Hicks, Holliday, LaBonte, Martinez, Nuehring, Noriega, Orrick,
 17 Schwarzenegger, Sisto, Soliz, Tilton, Traquina, Wade, and Wong

18 IN THE UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION

20 SHERIE LEMIRE individually and) Case No. 2:08-CV-00455-GEB-EFB
 21 as personal representative for the ESTATE OF)
 22 ROBERT ST. JOVITE; GERARD CHARLES) STIPULATION AND [PROPOSED]
 ST. JOVITE and NICOLE ST. JOVITE) ORDER TO FILE THIRD
 23) AMENDED COMPLAINT
 Plaintiffs,)
 24 vs.)
 25)
 26 ARNOLD SCHWARZENEGGER, et al.)
)

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 Case No. 2:08-CV-00455-GEB-EFB
 STIPULATION AND [PROPOSED] ORDER TO FILE THIRD AMEND COMPLAINT

Defendants.)

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2 Pursuant to Local Rule 83-143 the parties stipulate as follows:

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4 Pursuant to Stipulation, Plaintiffs amended their complaint on January 1, 2009. Since
5 that time, plaintiffs have served all those defendants they have named except, Defendants
6 Thor, Hill and Harris. The Third Amended Complaint does not seek to add any new
7 defendants, merely to clarify the alleged involvement of the already named defendants. As a
8 result, plaintiffs in this Third Amended Complaint seek only to remove those unserved
9 defendants from the complaint and clarify those parties alleged to have committed acts in
10 Count 1. Accordingly, the parties agree to allow Plaintiffs to file a Third Amended Complaint
11 in order to properly clarify the parties.
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14 The parties further agree that Defendants will have thirty days from the day the Third
15 Amended Complaint is filed to file their response.

16 IT IS SO STIPULATED.
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18
19 Dated: October 21, 2009

Respectfully submitted,

20 LAW OFFICES OF GERI LYNN GREEN_{LC}

21 By: /S/ [REDACTED] [REDACTED] [REDACTED]

22 Geri Lynn Green (State Bar No. 127709)
23 Attorneys for Plaintiffs

24 Dated: October 21, 2009

OFFICE OF THE ATTORNEY GENERAL

25
26 By: /S/ [REDACTED] [REDACTED]

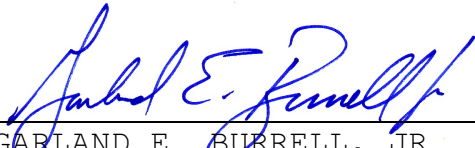
27 Attorney for Defendants
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1 **Order**

2 Plaintiffs are allowed to file the Third Amended Complaint provided that it is filed no
3 later than three days within the date on which this order is filed. Further, Defendants have
4 thirty days from the day the Third Amended Complaint is filed to file their response.
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6 IT IS SO ORDERED.

7 Dated: October 26, 2009

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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