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

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14 Attorneys for Defendants  
 15 Alcaraz, Cahoon, California Department of Corrections and Rehabilitation, Carey, Chua,  
 16 Dusay, Hak, Hicks, Holliday, Martinez, Nuehring, Noriega, Orrick, Schwarzenegger,  
 Sisto, Tilton, Traquina, Wade, and Wong

17  
 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 ORDER TO
23	ST. JOVITE and NICOLE ST. JOVITE	)	EXTEND DEADLINE FOR
24	Plaintiffs,	)	PLAINTIFFS TO FILE FIFTH
25	vs.	)	AMENDED COMPLAINT AND
26	ARNOLD SCHWARZENEGGER, et al.	)	FOR DEFENDANTS TO FILE
27	Defendants.	)	RESPONSIVE PLEADING

28 Lemire v. Schwarzenegger Case No. 2:08-CV-00455-GEB-EFB  
 STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR FILING OF  
 FIFTH AMENDED COMPLAINT AND RESPONSIVE PLEADING

)

1  
2 Pursuant to Local Rule 143, the parties request an extension of the deadline to file  
3 Plaintiff's Fifth Amended Complaint as follows:

4 By stipulation and order, the trial has been continued to April 19, 2011. (CR 68.)

5  
6 By separate order, dated January 28, 2010, Plaintiffs were ordered to file their Fifth  
7 Amended Complaint by February 17, 2010. (CR 66.)

8 Plaintiff's counsel, through office staff, notified defense counsel on February 10,  
9 2010, that a medical condition has necessitated that Ms. Green spend time out of the office  
10 for serious diagnostic tests. Consequently plaintiff's counsel has been unable to devote  
11 time to the drafting of the Fifth Amended Complaint, and will not be able to prepare the  
12 time to the drafting of the Fifth Amended Complaint, and will not be able to prepare the  
13 amended complaint by the current deadline.  
14

15 The parties agree to request that this Court extend the deadline for filing the Fifth  
16 Amended Complaint up to and including March 5, 2010. Defendants will file their  
17 response to the amended complaint within fourteen (14) days from the date of filing the  
18 Fifth Amended Complaint, as permitted under Federal Rule of Civil Procedure 15.  
19

20 Accordingly, it is respectfully requested that the Court order that Plaintiffs be  
21 granted until March 5, 2010 to file their Fifth Amended Complaint and that Defendants be  
22 allowed fourteen (14) days thereafter to file their response.  
23

24 IT IS SO STIPULATED.

25 Dated: February 11, 2010

Respectfully submitted,

26  
27 LAW OFFICES OF GERI LYNN GREEN<sub>LC</sub>

28 By: /S/ [Signature]

Geri Lynn Green (State Bar No. 127709)

Attorneys for Plaintiffs

Dated: February 11, 2010

OFFICE OF THE ATTORNEY GENERAL

By: /s/ [REDACTED] [REDACTED]

Attorneys for Defendants

**ORDER**

Plaintiffs shall file their Fifth Amended Complaint by no later than March 5, 2010, and Defendants shall file their response no later than fourteen (14) days after the filing of the amended complaint.

IT IS SO ORDERED.

Dated: February 11, 2010



GARLAND E. BURRELL, JR.  
United States District Judge