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

13  
 14 **THOMAS A. HIGHTOWER,**

15 Plaintiff,

16 v.

17 **JAMES TILTON, et al.,**

18 Defendants.  
 19

2:08-cv-01129-MJP

**STIPULATION TO MODIFY  
 SCHEDULING ORDER AND  
 PROPOSED ORDER**

20  
 21 The parties, by and through their attorneys of record, stipulate to an extension of the  
 22 discovery deadline as set forth in the order issued on May 8, 2012 (ECF No. 86), to enable the  
 23 parties to complete written discovery, to meet and confer, to conduct depositions following  
 24 receipt of responses to written discovery, and to provide sufficient time to prepare and file any  
 25 necessary motions.

26 Plaintiff filed his second amended complaint on October 20, 2011, alleging that his  
 27 detention in administrative segregation and placement in the “A2B” prisoner group violated his  
 28 rights under federal and state law. (ECF No. 77.)

1 Defendants moved to dismiss the Second Amended Complaint on November 3, 2011, the  
2 motion was argued, and the Court partially granted Defendants' motion to dismiss by dismissing  
3 certain claims. (ECF No. 78, 80, 82, 84.)

4 The Court issued its discovery and scheduling order on May 8, 2012 (ECF No. 86), and set  
5 the discovery deadline to be September 7, 2012. On May 29, 2012, Plaintiff's counsel  
6 propounded Plaintiff's first set of interrogatories, and first requests for production and admission.  
7 On June 6, 2012, Defendants' counsel propounded requests for production and first sets of  
8 interrogatories.

9 After meeting and conferring on July 9, 2012, the parties agreed that each needed an  
10 extension of time to respond to the already-served discovery requests because of workload and  
11 anticipated difficulties in obtaining responses. Defendants' counsel determined that they require  
12 an extension of time to August 1, 2012, to respond to Plaintiff's first sets of discovery. And  
13 Plaintiff's counsel identified that he requires an extension of time to September 7, 2012, to  
14 respond to Defendants' first sets of discovery.

15 Counsel for the parties also agreed to request a modification of the scheduling order, in  
16 order to extend the discovery deadline to October 1, 2012, so that the parties have sufficient time  
17 to meet and confer, conduct depositions following receipt of responses to written discovery, and  
18 to prepare and file any necessary discovery motions.

19 In the afternoon of July 9, 2012, Plaintiff's counsel served Plaintiff's second requests for  
20 production on Defendants. After discussing Plaintiff's second requests for production, the parties  
21 agreed that Defendants shall have additional time, up to and including September 7, 2012, to  
22 respond to this additional discovery.

23 The parties are completing their responses to the discovery requests, and anticipate that  
24 after completion, the issues will be significantly narrowed. Such narrowing will facilitate  
25 productive depositions, summary judgment, and trial.

26 Defendants have good cause to request additional time to prepare their responses to  
27 Plaintiff's discovery requests, due to difficulties in contacting and obtaining documents from the  
28

1 California Department of Corrections and Rehabilitation, and in light of to Defense counsel's  
2 workload. Plaintiff has good cause to request additional time to prepare his responses to  
3 Defendants' discovery requests, due to Plaintiff being incarcerated and not readily available to  
4 communicate with his counsel, and logistical concerns in delivering documents for review.

5 Accordingly, the parties agree to the following terms and request, if acceptable to the Court,  
6 modification of the discovery schedule as follows:

7 (1) Defendants shall respond to Plaintiff's first sets of discovery on or before August 1,  
8 2012;

9 (2) Plaintiff shall respond to Defendants' first sets of discovery on or before September 7,  
10 2012; and

11 (3) Defendants shall respond to Plaintiff's second set of requests for production on or  
12 before September 7, 2012.

13 (4) Paragraph 6 of the discovery and scheduling order issued on May 8, 2012 (ECF No.  
14 86), is modified such that the parties may conduct discovery until October 1, 2012.

15 Dated: July 16, 2012

Respectfully submitted,

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17 KAMALA D. HARRIS  
Attorney General of California  
18 MISHA D. IGRA  
Supervising Deputy Attorney General

19  
20 */S/ Gregory G. Gomez*

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22 Deputy Attorney General  
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23 *Fox, Bunnell, Montanez, Reaves, Subia,*  
*Huerta-Garcia, Reyes, Griffin, Gutierrez,*  
24 *Mwangi, Lewis and Rodriquez*

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Dated: July 16, 2012

Respectfully submitted,

/s/ DARIO A. MACHLEIDT  
DARIO A. MACHLEIDT  
COUNSEL FOR PLAINTIFF

**IT IS SO ORDERED:**

Dated: \_\_\_\_ July 30, 2012 \_\_\_\_

  
\_\_\_\_\_  
Marsha J. Pechman  
United States District Judge