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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA -- SACRAMENTO**

**ROGER ARDEN ELSETH,  
PATRICIA ANN ELSETH AND  
ALLEN ELSETH by his guardian ad  
litem ROGER ARDEN ELSETH and  
PATRICIA ANN ELSETH,**

Plaintiffs

vs.

**VERNON SPEIRS, Chief Probation  
Officer of Sacramento County, DAVID  
GORDON, Superintendent Sacramento  
County Department of Education,  
Sheriff of the County of Sacramento,  
Deputy Sheriff Tam, Deputy Sheriff  
Allenguiry, Dr. Saxon, M.D., DOES J1  
to J20, and DOES E1 to E20, inclusive,  
and DOES M1 to M5,**

Defendants.

Case No. 2:08-cv-02890-GEB-KJM

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
DEFENDANT DAVID GORDON TO  
RESPOND TO COMPLAINT**

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STIPULATION

Plaintiffs ROGER ARDEN ELSETH, PATRICIA ANN ELSETH AND ALLEN ELSETH by his *guardian ad litem* ROGER ARDEN ELSETH and PATRICIA ANN ELSETH, and defendant DAVID GORDON, NAMED IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF SCHOOLS, COUNTY OF SACRAMENTO, do hereby stipulate for an order extending time for defendant DAVID GORDON to answer, or otherwise respond, to the Plaintiffs' complaint in the above-captioned matter, as follows:

1. This case was commenced on or about December 2, 2008, with Plaintiffs requesting that Defendant David Gordon waive service of complaint and summons pursuant to Rule 4 of the FRCP. The Complaint was amended on or about January 6, 2009.
2. For purposes of service of the complaint in this matter dated January 6, 2009 only, (including summons and complaint) upon Defendant David Gordon, David Gordon has authorized the law firm of Trujillo & Vinson, LLP (via attorney Phillip Trujillo) to accept service on his behalf, via electronic mail from Plaintiffs' counsel, James Joseph Lynch, Jr.. Mr. Trujillo received such service in this matter, via electronic mail from Mr. Lynch, on January 8, 2009. Nothing in this stipulation shall be deemed a consent to jurisdiction or otherwise waive Gordon's rights or limit his ability to respond to the complaint in any way.
3. In exchange, Plaintiffs and Defendant Gordon hereby agree and stipulate to extend time for response of Gordon, in that Gordon shall have until no later than February 13, 2009 to answer, or otherwise respond, to the Complaint in this matter.

Based upon the foregoing, the parties jointly request an order approving the agreed extension of time to respond to the complaint in this matter.

IT IS SO STIPULATED.

1 Respectfully submitted,

2 By:

3 Date: January 13, 2009

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6 /s/ James Joseph Lynch, Jr.

7 JAMES JOSEPH LYNCH, JR.

8 Attorney at Law

9 4144 Winding Way, Suite 115

10 Sacramento, CA 95841

11 Counsel for Plaintiffs

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13 And

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15 Date: January 16, 2009

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19 /s/ Phillip A. Trujillo

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21 PHILLIP A. TRUJILLO

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23 Trujillo & Vinson, LLP

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25 609 Gregory Lane, Suite 200

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27 Pleasant Hill, CA 94523

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Counsel for Defendant David Gordon in his Official  
Capacity as County Superintendent of Schools

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**[PROPOSED] ORDER**

THE PARTIES HAVING STIPULATED TO THE FOREGOING,

IT IS HEREBY ORDERED that

Pursuant to the attached stipulation, Defendant David Gordon shall have until no later than February 13, 2009 to answer, or otherwise respond, to the Complaint in this matter.

Dated: 2/3/09



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GARLAND E. BURRELL, JR.  
UNITED STATES DISTRICT JUDGE