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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 Darryl Hubbard,
12 Plaintiff,
13 v.
14 C.D. Houglan and D.K. McBride,
15 Defendant.

Case No. 2:09-CV-0939-JAM GGH P

**STIPULATION REGARDING
PARTIAL LIFT OF DISCOVERY
STAY AND CONTINUING
DEADLINE FOR SUBMISSION OF
WITNESS AND EXHIBIT LISTS
AND ORDER**

17 WHEREAS, the Court issued an order on April 5, 2010 staying all discovery in this case
18 pending the outcome of Defendants' motion to dismiss [Dkt. 63];

19 WHEREAS, the Court issued an order granting Defendants' motion to dismiss on
20 September 22, 2010 [Dkt. 76];

21 WHEREAS, on March 7, 2012, the United States Court of Appeals for the Ninth Circuit
22 reversed and remanded and ordered an evidentiary hearing on the issue of administrative
23 exhaustion [Dkt. 83, 86];

24 WHEREAS, on April 27, 2012 the Court ordered that an evidentiary hearing will be held
25 on August 14, 2012, at 9:00 am [Dkt. 87];

26 WHEREAS, in the April 27, 2012 order, the Court ordered that the parties shall submit
27 witness lists and exhibit lists on or before June 29, 2012 [Dkt. 87];
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1 WHEREAS, the parties have met and conferred and agree that a partial lift of the
2 discovery stay is appropriate in order to fully develop the factual record on exhaustion of
3 administrative remedies;

4 WHEREAS, the parties have met and conferred and agree that the deadline for submission
5 of witness lists and exhibit lists should be moved to July 20, 2012 to allow the parties sufficient
6 time to serve and respond to discovery in advance of submitting witness and exhibit lists;

7 IT IS HEREBY STIPULATED AND AGREED that:

8 1. Effective as of the date of entry of this order, the stay on discovery is partially
9 lifted as to the issue of exhaustion of administrative remedies;

10 2. Discovery requests served before the entry date of this order shall be treated as
11 served on the entry date of this order;

12 3. Any further requests for written discovery must be served within two court days of
13 the entry of this order;

14 4. Written discovery responses are due via electronic or personal service on or before
15 July 13, 2012;

16 5. The parties shall submit witness lists and exhibit lists on or before July 20, 2012;

17 6. The partial lift of the discovery stay as to the issue of exhaustion of administrative
18 remedies shall expire on July 20, 2012;

19 IT IS SO STIPULATED

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1 Dated: June _14_, 2012

GEORGE C. HARRIS
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By: /s/ Robert L. Cortez Webb
ROBERT L. CORTEZ WEBB

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Attorneys for Plaintiff
DARRYL HUBBARD

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Dated: June _14_, 2012

KAMALA D. HARRIS
CHRISTOPHER J. BECKER

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By: /s/ Christopher J. Becker,
(as authorized on June 14, 2012)
CHRISTOPHER J. BECKER

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Attorneys for Defendants
C.D. HOUGLAND, ET AL.

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ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED

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21 Dated: June 19, 2012

/s/ Gregory G. Hollows

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HON. GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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