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6	Attorneys for the Secretary of the Army	
7		
8	IN THE UNITED S	STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	ROSLYN G. McCOY,	CASE NO. 2:09-CV-01973 LKK-CMK
12	Plaintiff,	STIPULATION FOR EXTENSION OF
13	V.	TIME TO FILE RESPONSE TO PLAINTIFF'S SECOND AMENDED
14	DEPARTMENT OF THE ARMY CORPS-	COMPLAINT; ORDER THERETO
15	ARMY CORPS OF ENGINEERS and the HONORABLE PETE GEREN, SECRETARY OF THE ARMY,	
16	collectively,	
17	Defendants.	
18		
19		
20	Pursuant to Local Rule 144 of the United States District Court for the Eastern District of	
21	California, the Defendant the Secretary of the Army and the Department of the Army (collectively	
22	"Secretary"), and Plaintiff Roslyn McCoy, through their counsel, hereby enter into and submit the	
23	following stipulation.	
24	RECITALS	
25	1. On Friday, December 17, 2010, Plaintiff filed her Second Amended Complaint [D.E	
26	46]. Under Rules 6 and 12 of the Federal Rules of Civil Procedure, a response is due on or before	
27	January 4, 2010.	
28		
	Stipulation for Extension of Time To Respond to Complaint	-1-

1	2. The undersigned counsel for the Secretary has an appellate brief which must be filed on	
2	or before December 31, 2010 in Yasin v. Coulter, et al., Appeal No. 10-15093. He will also be engaged	
3	in pretrial matters and preparing for trial in Pronechen v. Napolitano, Case No. 2:06-cv-01726-LEW.	
4	Trial is presently set to begin on January 18, 2011.	
5	3. The Secretary will not have sufficient time to respond to Plaintiff's Second Amended	
6	Complaint on or before January 4, 2011, due to lack of availability for the Secretary's counsel.	
7	4 An additional forty-five (45) days should be adequate time to prepare a response to	
8	Plaintiff's Second Amended Complaint.	
9	5. Providing the Secretary additional time to respond does not affect any of the dates set	
10	forth in the Court's Status (Pretrial Scheduling) Order [D.E. 45].	
11	STIPULATION	
12	Based on the foregoing, the parties hereby stipulate that Defendant the Secretary of the Army	
13	shall have an additional days (45) days to respond to Plaintiff's Second Amended Complaint, with his	
14	response due on or before January 31, 2011.	
15		
16	IT IS SO STIPULATED.	
17	BENJAMIN B. WAGNER United States Attorney	
18		
19	Date: December 21, 2010 /s/ Todd A. Pickles By: TODD A. PICKLES	
20	Assistant United States Attorney	
21	Attorneys for Secretary of the Army	
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23	Date: December 22, 2010 <u>/s/ John Ota</u> By: JOHN OTA	
24	Attorney for Plaintiff	
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	Stipulation for Extension of Time To Respond to Complaint -2-	
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1	ORDER	
2	This matter came before the Court on the parties' Stipulation For An Extension Of Time To File	
3	A Response To Plaintiff's Second Amended Complaint. For the reasons stated in the Stipulation and	
4	for good cause showing under Rule 12 of the Federal Rules of Civil Procedure, the Court ADOPTS the	
5	Stipulation and GRANTS the relief requested therein.	
6	Accordingly, IT IS HEREBY ORDERED THAT:	
7	The Secretary's response to Plaintiff's Second Amended Complaint is due on or before January	
8	31, 2011. No dates as set forth in the Court's Status (Pretrial Scheduling) Order [D.E. 45] are altered or	
9	otherwise affected by this Order.	
10	IT IS SO ORDERED.	
11		
12	Date: December 23, 2010.	
13		
14	Jaunne K Kerlton	
15	LAWRENCE K. KARLTON SENIOR JUDGE	
16	UNITED STATES DISTRICT COURT	
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	Stipulation for Extension of Time To Respond to Complaint -3-	