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14 Attorneys for Defendant  
15 R. RAMOS

16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA  
18 SACRAMENTO DIVISION

19 RANDY REAL,

20 Plaintiff,

21 vs.

22 R. RAMOS,

23 Defendant.

Case No. 2:09-cv-03273-GEB-KJN (PC)

**STIPULATION TO VACATE DISCOVERY  
DEADLINE; [~~PROPOSED~~] ORDER**

24 **INTRODUCTION**

25 Plaintiff Randy Real (“Plaintiff”) and Defendant Captain Ramos (“Defendant”) request that the  
26 Court vacate the discovery and dispositive-motion deadlines while the parties pursue settlement  
27 discussions. A stipulation and proposed order reflecting this request is included below.

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1 **RELEVANT BACKGROUND INFORMATION**

2 1. The current discovery deadline in this matter is October 23, 2015. (ECF No. 89 at 5:12.)

3 2. The pretrial-motion deadline, excluding motions to compel discovery, is January 8, 2015.  
4 (ECF No. 89 at 5:15-16.)

5 3. Plaintiff's motion to strike affirmative defenses from Defendant's answer to the second  
6 amended complaint is currently pending decision by this Court. (ECF No. 96.)

7 4. Plaintiff intends to serve discovery concerning the affirmative defenses that remain  
8 following the ruling on the motion to strike.

9 5. Defendant has served written discovery on Plaintiff, including requests for admissions,  
10 requests for production, and interrogatories. Plaintiff's responses to these requests are still outstanding.  
11 Defendant also intends to take Plaintiff's deposition.

12 6. The parties wish to engage in settlement discussions in a good faith effort to resolve this  
13 matter short of continued litigation. However, Plaintiff's incarceration has prolonged settlement  
14 discussions because correspondence between the Plaintiff and his counsel is limited and delayed.

15 7. In the event that settlement discussions are unsuccessful, the parties wish to reserve their  
16 right to complete the remaining and outstanding discovery necessary to effectively litigate this matter to  
17 conclusion. Furthermore, some subjects of discovery may be mooted by the Court's entry of an order  
18 regarding Plaintiff's pending motion to strike.

19 8. To permit the parties adequate time to focus on settlement without incurring further  
20 litigation costs that could hinder the settlement discussions, the parties request that the Court vacate the  
21 current discovery and dispositive-motion deadlines and reset them, if necessary, if the settlement efforts  
22 fail. The parties will promptly alert the Court if the case does not settle and will propose new discovery  
23 and dispositive-motion deadlines for the Court's consideration.

1 **STIPULATION**

2 The parties STIPULATE to vacate the October 23, 2015 discovery deadline and the  
3 January 8, 2015 pretrial-motion deadline, and to stay the deadline for responding to all outstanding  
4 discovery requests until the parties' settlement discussions have concluded and the Court issues a  
5 decision regarding Plaintiff's pending motion to strike.

6 Dated: September 18, 2015

Respectfully Submitted,

7 LAW OFFICE OF MARK E. MERIN

8 /s/ Paul H. Masuhara

9 By: \_\_\_\_\_  
10 Paul H. Masuhara

11 Attorney for Plaintiff  
12 RANDY REAL

13 Dated: September 18, 2015

Respectfully Submitted,

14 KAMALA D. HARRIS  
15 Attorney General of California  
16 MONICA N. ANDERSON  
Supervising Deputy Attorney General

17 /s/ Jaime M. Ganson  
18 (as authorized on September 18, 2015)

19 By: \_\_\_\_\_  
20 JAIME M. GANSON  
21 Deputy Attorney General

22 Attorneys for Defendant  
23 R. RAMOS  
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1 **[PROPOSED] ORDER**


2 Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that:

3 1. The October 23, 2015 discovery deadline is vacated.

4 2. The January 8, 2015 pretrial-motion deadline is vacated.

5 3. If the case does not settle, within fifteen days of the conclusion of settlement negotiations  
6 or the entry of the Court's ruling on Plaintiff's motion to strike, whichever is later, **but in no case later**  
7 **than December 31, 2015**, the parties shall file a joint proposal to reset the discovery and pretrial-motion  
8 deadlines.

9 Dated: September 28, 2015

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11 \_\_\_\_\_  
12 KENDALL J. NEWMAN  
13 UNITED STATES MAGISTRATE JUDGE

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