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Attorneys for Plaintiff  
RICHARD JAQUEZ, JR.,

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

RICHARD JAQUEZ, JR.,  
Plaintiff,

vs.

COUNTY OF SACRAMENTO; Sacramento County  
Sheriff JOHN MCGINNESS; Sacramento County  
Main Jail Commander ERIC MANESS; Sacramento  
County Sheriff's Department Chief of Correctional  
and Court Services JAMIE LEWIS; Chief of  
Correctional Health Services for Sacramento County,  
ANNMARIE BOYLAN; Sacramento County  
Correctional Services Nurse CINDY PETERSON,  
RN; and DOES 1 through 30, inclusive,

Defendants.

NO. 2:10-cv-01040 MCE DAD

**STIPULATION TO ALLOW  
PLAINTIFF TO FILE FIRST  
AMENDED COMPLAINT, TO  
WITHDRAW DEFENDANTS'  
PENDING MOTION TO  
DISMISS, AND TO VACATE  
THE HEARING DATE OF  
OCTOBER 28, 2010; ORDER  
THEREON**

\_\_\_\_\_ /

1 IT IS HEREBY STIPULATED by the parties through their counsel of record as follows:

2 1. Subject to the approval of the Court, the parties stipulate that Plaintiff may file  
3 the attached First Amended Complaint;

4 2. Whereupon Defendants withdraw their pending Motion to Dismiss as moot,  
5 and request that the Court vacate the hearing date of October 28, 2010, at 2:00 p.m. in  
6 Courtroom 7; and

7 3. Defendants shall have 14 days to respond to the filed First Amended  
8 Complaint, either by answer or motion.

9 The reason for the parties' requests is that after reviewing Defendants' Motion to  
10 Dismiss, Plaintiff recognized that some of Defendants' arguments had merit and that some parts  
11 of the Complaint were not properly framed. Plaintiff's First Amended Complaint substantially  
12 narrows the areas of disagreement between the parties. To the extent that areas of disagreement  
13 remain, some of these have been reframed and so are not directly addressed by Defendants'  
14 motion. As a result, the parties believe that it would not be an efficient use of judicial resources  
15 for the parties to brief and the Court to rule on Defendants' present motion, significant portions  
16 of which would be rendered moot by the filing of the First Amended Complaint.

17  
18 IT IS SO STIPULATED.

19 Dated: October 14, 2010

LAW OFFICE OF STEWART KATZ

20 /s/ Stewart Katz

21 STEWART KATZ,  
22 Attorney for Plaintiff

23 Dated: October 14, 2010

RANDOLPH CREGGER & CHALFANT LLP

24  
25 /s/ Robert L. Chalfant

26 ROBERT L. CHALFANT  
27 Attorneys for Defendants COUNTY OF  
28 SACRAMENTO, JOHN McGINNESS, ERIC  
MANESS, JAMIE LEWIS, ANNMARIE BOYLAN  
and CINDY PETERSON


**ORDER**

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In light of the above Stipulation, Defendants’ Motion to Dismiss is DENIED as moot and Plaintiff may file an amended complaint. The October 28, 2010 hearing date is vacated. The Court’s order to file a Joint Status Report on or before November 5, 2010 stands.

IT IS SO ORDERED.

DATED: October 19, 2010

  
MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE