1			
2			
3			
4			
5			
6			
7	UNITED STATES DISTRICT COURT		
8	EASTERN DISTRICT OF CALIFORNIA		
9			
10	JIMMIE STEPHEN,) No. 2:10-CV-1678-KJM-KJN P	
11	Plaintiff,) STIPULATION TO EXTEND TIME	
12	vs.	WITHIN WHICH TO FILE FOURTH AMENDED COMPLAINT; [PROPOSED]	
13	FEDERAL RECEIVER J.C. KELSO, et al.,) ORDER	
14	Defendants.)))	
15		/))	
16		- ′	
17	WHEREAS, the deadline for Plaintiff, Jimmie Stephen ("Plaintiff"), to file his		
18	Fourth Amended Complaint is presently January 11, 2013;		
19	WHEREAS, Plaintiff's counsel sought to obtain Plaintiff's medical records from the		
20	Department of Corrections promptly after appointment in this matter, but it took a significant		
21	amount of time to receive such records;		
22	WHEREAS, Plaintiff needed to receive the medical records prior to obtaining an		
23	expert to review the same, and only obtained the Court's approval to retain such an expert in		
24	this matter on December 18, 2012 (Doc. 84). Plaintiff thereafter forwarded the medical		
25	records to the expert but, with the intervening holidays, has not yet received from the expert		
26	a full response. Plaintiff anticipates having a full response on or about January 16, 2013;		
27			
28			
	STIPULATION TO EXTEND TIME WITHIN WHICH TO FILE FOURTH AMENDED COMPLAINT; [PROPOSED] ORDER		
	Page 1		

1	WIFDEAC Disintifica seconda time to confermith the supert often receiving		
1	WHEREAS, Plaintiff's counsel needs time to confer with the expert after receiving		
2	the expert's opinion, and thereafter the client, before amending the complaint, and		
3	communications with Plaintiff take additional time due to Plaintiff's incarceration;		
4	WHEREAS , Plaintiff therefore requests that the last date for him to file his Fourth		
5	Amended Complaint be extended to February 11, 2013.		
6	NOW, THEREFORE, Plaintiff, and Defendants Hsieh, Traquina, McAlpine and		
7	Wenneker (collectively "Defendants," and together with Plaintiff, "the Parties"), by and		
8	through their respective counsel, hereby stipulate as follows:		
9	1. Plaintiff shall have to and including February 11, 2013 to file his Fourth		
10	Amended Complaint; and		
11	2. Defendants' responsive pleadings shall be due on or before March 4, 2013.		
12	IT IS SO STIPULATED.		
13	Date: January 10, 2013 MOORE LAW FIRM, P.C.		
14	/s/ Tanya E. Moore		
15	Tanya E. Moore		
16	Attorney for Plaintiff,		
	Jimmie Stephen		
17	BURKE, WILLIAMS & SORENSEN, LLP		
18	BUKKE, WILLIAWIS & SOKENSEN, LLI		
19	<u>/s/ Kristina Doan Gruenberg</u> Kristina Doan Gruenberg		
20	Attorneys for Defendants,		
21	Dr. Traquina, Dr. Hsieh, and Dr. McAlpine		
22	HASSARD BONNINGTON LLP		
23			
24	/s/ R. Wesley Pratt		
25	R. Wesley Pratt Attorneys for Defendant		
26	Dr. Wenneker		
27			
28			
20			
	STIPULATION TO EXTEND TIME WITHIN WHICH TO FILE FOURTH AMENDED COMPLAINT [PROPOSED] ORDER		
	Page 2		

1	ORDER	
2	The Parties having so stipulated and good cause appearing,	
3	IT IS HEREBY ORDERED that Plaintiff's Fourth Amended Complaint be filed no	
4	later than February 11, 2013.	
5	IT IS FURTHER ORDERED that Defendants' responsive pleadings be filed no later	
6	than March 4, 2013.	
7	IT IS SO ORDERED.	
8	Date: <u>1/10/2013</u>	
9		
10	KENDALL J. NEWMAN	
11	UNITED STATES MAGISTRATE JUDGE	
12		
13		
14		
15	step1678.stip.eot.4thAC.doc	
16		
17		
18		
19		
20		
21		
22		
23		
24 25		
23 26		
20		
27		
20		
	STIPULATION TO EXTEND TIME WITHIN WHICH TO FILE FOURTH AMENDED COMPLAINT; [PROPOSED] ORDER	
	Page 3	