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10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
 12 **SACRAMENTO DIVISION**

13

14 DANNY MURPHY COSTON,  
 15 **Plaintiff,**  
 16 v.  
 17 ANDREW NANGALAMA, et al.,  
 18 **Defendants.**

Case No. 2:10-cv-02009-MCE-EFB

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINE**

*[Declaration of Eric Wolff filed  
concurrently herewith]*

Judge: Hon. Morrison C. England, Jr.  
Courtroom: 7

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1 SUBJECT TO THE APPROVAL OF THE COURT, Plaintiff Danny Murphy Coston  
2 (“Plaintiff”), Defendants Andrew Nangalama and Randall Hale (together, “Defendants,” collectively  
3 with Plaintiff, the “Parties”), by and through their counsel, hereby jointly submit the following  
4 Stipulation and Proposed Order for a short extension of the discovery cut-off due to delays in the  
5 production of documents by California State Prison – Sacramento (“CSP-Sac”) which has impacted  
6 the commencement of deposition discovery as explained further below.

7 **RECITALS**

8 WHEREAS, by previous order reopening discovery for 120 days from the date the order was  
9 electronically filed, October 17, 2022, (ECF No. 226), the close of discovery is February 14, 2023;

10 WHEREAS, Plaintiff promptly prepared and served requests for production on Defendants  
11 Andrew Nangalama and Randall Hale on November 3, 2022 (“Document Requests”);

12 WHEREAS, Plaintiff also personally served CSP-Sac with a Subpoena Duces Tecum (the  
13 “Subpoena”) on November 15, 2022 and specified a return date of December 6, 2022;

14 WHEREAS, Plaintiff received Defendants’ responses to the Document Requests on or about  
15 December 13, 2022, in which Defendants indicated that they do not have many of the requested  
16 documents, and Defendants are also seeking documents from CSP-Sac;

17 WHEREAS, CSP-Sac did not respond to Plaintiff’s Subpoena by the deadline;

18 WHEREAS, Plaintiff’s counsel emailed CSP-Sac on December 7, 2022, to inquire about the  
19 status of its response to the Subpoena;

20 WHEREAS, from December 7 through December 14, 2022, Plaintiff’s counsel exchanged  
21 emails with CSP-Sac in its offer to obtain the documents requested in the Subpoena and commence  
22 depositions in January 2023;

23 WHEREAS, on December 14, 2022, counsel for Defendants instructed Plaintiff’s counsel that  
24 all correspondence directed to CSP-Sac should be directed to counsel for Defendants;

25 WHEREAS, counsel for Plaintiff and counsel for Defendants met and conferred regarding CSP-  
26 Sac’s response to the Subpoena on December 16, 2022;

27 WHEREAS, CSP-Sac’s search for documents responsive to the Subpoena is still ongoing.  
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1 WHEREAS, counsel for both Plaintiff and Defendant need CSP-Sac's responses to the  
2 document requests in the Subpoena in order to effectively conduct depositions of Defendants and non-  
3 party witnesses;

4 WHEREAS, the Parties need additional time to prepare for and conduct depositions given CSP-  
5 Sac's delayed production of documents in response to the Subpoena; and

6 WHEREAS, CSP-Sac has not responded to the Subpoena to date and ongoing staffing shortages  
7 at CSP-Sac and late-December holidays make it uncertain as to when CSP-Sac will commence  
8 producing documents in response to the Subpoena or when the production will be completed.

9 **STIPULATION**

10 NOW, THEREFORE, the Parties hereby agree as follows subject to the Court's approval:

11 The parties agree to extend the close of discovery by 45 days to Friday, March 31, 2023.

12 **SO STIPULATED.**

13  
14 Dated: December 20, 2022

JENNER & BLOCK LLP

15  
16 /s/ Julie A. Shepard

Julie A. Shepard  
Alice S. Kim  
Eric Wolff

17  
18 Attorneys for Plaintiff Danny Murphy Coston

19  
20 Dated: December 20, 2022

21  
22 /s/ Amie Bears (as authorized on Dec. 20, 2022)

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27 Attorneys for Defendants Andrew Nangalama and  
28 Randall Hale


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**ORDER**

Based on the above stipulation, the joint motion of the parties for an extension to the close of discovery is granted. The Order reopening discovery (ECF No. 226) is amended to extend the close of discovery by 45 days to Friday, March 31, 2023. The Parties are further ordered to file a Joint Status Report not later than 30 days after the close of discovery.

IT IS SO ORDERED.

Dated: December 27, 2022

  
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MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE