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

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

1 SUBJECT TO THE APPROVAL OF THE COURT, Plaintiff Danny Murphy Coston (“Mr.  
2 Coston”) and Defendant Andrew Nangalama (“Dr. Nangalama,” together, the “Parties”), through  
3 their counsel, jointly submit the following Stipulation and Proposed Order for an extension of the  
4 discovery cut-off due to additional delays in California State Prison – Sacramento’s (“CSP-Sac”)   
5 production of documents and the need to reschedule depositions due to Dr. Nangalama’s counsel’s  
6 scheduling conflicts.

7 **RECITALS**

8 WHEREAS, by the 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 was set for February  
10 14, 2023;

11 WHEREAS, Mr. Coston promptly prepared and served written discovery on Defendants  
12 Dr. Nangalama and Randall Hale<sup>1</sup> (together, “Defendants”), serving requests for production on  
13 November 3, 2022, and serving requests for admission and interrogatories on December 13, 2022;

14 WHEREAS, Mr. Coston personally served non-party CSP-Sac with Subpoenas Duces  
15 Tecum on November 15, 2022 and January 30, 2023 (the “Subpoenas”);

16 WHEREAS, CSP-Sac did not respond to either of the Subpoenas by their respective  
17 deadlines;

18 WHEREAS, during the period of December 2022 through June 2023, CSP-Sac represented  
19 that it was experiencing staff shortages, a backlog of requests, and technical issues that contributed  
20 to its delays in responding to the Subpoenas;

21 WHEREAS, due to the delays in CSP-Sac’s production, on December 27, February 9, and  
22 April 20, 2023, this Court granted the Parties’ prior stipulations to extend discovery, ultimately  
23 extending the close of discovery to August 28, 2023 (ECF Nos. 234, 238, 240);

24 \_\_\_\_\_  
25 <sup>1</sup> Randall Hale is currently unrepresented in this proceeding. The Court granted counsel’s motion  
26 to withdraw from the representation of Mr. Hale and ordered him to file a status report with the  
27 court by thirty days after proof of service of the order on Mr. Hale was filed (ECF No. 232).  
28 Withdrawal was effective on January 3, 2023 when the proof of service of the Order on Mr. Hale  
was filed. (See ECF No. 235). Mr. Hale has not filed a status report, and, as described in the  
Parties’ motion to extend discovery deadline, appears not to be participating in the litigation. (See  
ECF No. 236 at 5).

1           WHEREAS, since then, counsel for Mr. Coston has attempted to move the case forward.  
2 As an example, on June 5, 2023, Mr. Coston filed a motion to compel Dr. Nangalama to  
3 supplement his incomplete responses to Mr. Coston’s interrogatories and requests for admission,  
4 and provide verifications for those responses (ECF No. 243).

5           WHEREAS, on June 12, 2023, Dr. Nangalama resolved the issues raised in Mr. Coston’s  
6 Motion by providing amended responses to his requests for admission and interrogatories along  
7 with verifications and Mr. Coston withdrew the Motion on January 15, 2023 (ECF No. 245).

8           WHEREAS, on July 11 and 14, 2023, Mr. Coston noticed the depositions of Defendants  
9 and served deposition subpoenas on seven non-party witnesses scheduling their depositions for  
10 various dates in mid-July and August and before the close of discovery on August 28, 2023;

11           WHEREAS, counsel for Dr. Nangalama requested to reschedule all of the depositions  
12 except for Dr. Nangalama’s;

13           WHEREAS, counsel for Mr. Coston intends to reschedule Dr. Nangalama’s deposition in  
14 order to depose him after most if not all of the other witnesses and the CSP-SAC documents have  
15 been produced;

16           WHEREAS, on July 27, 2023, Mr. Coston filed a second Motion to Compel Discovery.  
17 This motion was filed against CSP-Sac due to its failure to conduct a diligent search for, and  
18 produce, all documents responsive to the Subpoenas (ECF No. 247);

19           WHEREAS, the parties resolved the second Motion by stipulating to conduct the search  
20 and find the information as requested in the Motion;

21           WHEREAS, CSP-Sac’s production of document responses to Mr. Coston’s Subpoenas are  
22 not set to be completed until August 23, 2023 which is less than a week before the current close  
23 of discovery;

24           WHEREAS, the Parties need additional time to prepare for, reschedule, and conduct  
25 depositions given CSP-Sac’s ongoing delay in producing documents in response to the Subpoenas  
26 and counsel’s scheduling conflicts; and  
27  
28



1 **ORDER**

2 Based on the above stipulation , the joint motion of the parties for an extension of the  
3 close of discovery is granted. The Order reopening discovery (ECF No. 226) is amended to  
4 extend the close of discovery by 60 days to Friday, October 27, 2023. The Parties are further  
5 ordered to file a Joint Status Report not later than 30 days after the close of discovery.

6 **IT IS SO ORDERED.**

7 Dated: August 11, 2023

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9 \_\_\_\_\_  
10 MORRISON C. ENGLAND, JR.  
11 SENIOR UNITED STATES DISTRICT JUDGE  
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