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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10 SACRAMENTO DIVISION

11 **SHERMAN JONES,**

12 Plaintiff,

13 **v.**

14 **C. CANNEDY, et al.,**

15 Defendants.  
16  
17  
18

Case No. 2:10-CV-02174-KJM-KJN

**STIPULATION TO MODIFY DISCOVERY  
AND SCHEDULING ORDER; [PROPOSED]  
ORDER**

19 Plaintiff SHERMAN JONES (hereinafter "Plaintiff") and defendants MINI, LIZARRAGA,  
20 and VIRGA, (hereinafter "Defendants") hereby present the following Stipulation to Modify the  
21 Discovery and Scheduling Order in the above-captioned action.

22 **RECITALS**

23 The parties set forth the following recitals to demonstrate that good cause exists to modify  
24 the current discovery and scheduling order in this case:

25 WHEREAS, Plaintiff's First Amended Complaint (hereinafter "FAC") was filed on March  
26 7, 2011.

27 WHEREAS, on July 29, 2011, the Court deemed the FAC the operative pleading.

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1 WHEREAS, on February 24, 2012, attorneys Marguerite Meade and William L. Schmidt  
2 were substituted into this action as attorneys of record for Plaintiff.

3 WHEREAS, on September 24, 2012, the Court issued an order dismissing certain  
4 defendants and claims. (ECF No. 53.)

5 WHEREAS, on October 8, 2012, Defendants filed an answer to Plaintiff's FAC.

6 WHEREAS, on October 18, 2012, the Court issued a scheduling order that deemed  
7 discovery closed on February 1, 2013.

8 WHEREAS, Plaintiff was deposed on March 19, 2013, pursuant to stipulation of the  
9 parties.

10 WHEREAS, counsel for the parties met and conferred, stipulated to Plaintiff's proposed  
11 deposition of the person most knowledgeable regarding the policy, practice or custom in place  
12 from January 19, 2010, through the summer of 2010 on B Facility at CSP – Sacramento that  
13 subjected African-American inmates to a modified program, and scheduled the deposition for  
14 April 3, 2013, at 10 a.m.

15 WHEREAS, counsel for Plaintiff had to cancel the April 3 deposition because of a family  
16 emergency.

17 WHEREAS, counsel for the parties have not yet been able determine a suitable new date to  
18 reschedule the April 3 deposition.

19 WHEREAS, the dispositive motion deadline in this case is April 26, 2013.

20 WHEREAS, counsel for the parties do not believe they will be able to reschedule and  
21 conduct the April 3 deposition within a reasonable time before the dispositive motion deadline.

22 WHEREAS, counsel for Defendants has scheduled a four-week FMLA leave in May.

23 WHEREAS, no previous extension of the dispositive motion deadline has taken place.

24 **STIPULATION**

25 Now, therefore, IT IS HEREBY STIPULATED, by and between the parties, through their  
26 respective attorneys of record that:

27 1. The dispositive motion deadline in this case shall be extended 75 days to July 10,  
28 2013.

1           2.     Plaintiff shall be allowed to depose the Person Most Knowledgeable of the policy,  
2 practice or custom in place from January 19, 2010, through the summer of 2010 on B Facility at  
3 CSP – Sacramento that subjected African-American inmates to a modified program. The time  
4 and date for this deposition shall be coordinated through counsel and subject to the mutual  
5 availability of the parties and/or deponent.

6           3.     All other dates in the Discovery and Scheduling Order will remain the same.

7           IT IS SO STIPULATED.

8           Date: April 15, 2013

LAW OFFICE OF MARGUERITE E. MEADE

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10           By: /s/ Marguerite E. Meade  
Marguerite E. Meade  
Attorney for Plaintiff SHERMAN JONES

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12           Dated: April 15, 2013

LAW OFFICE OF WILLIAM L. SCHMIDT

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14           By: /s/ William L. Schmidt  
William L. Schmidt  
Attorney for Plaintiff SHERMAN JONES

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16           Dated: April 15, 2013

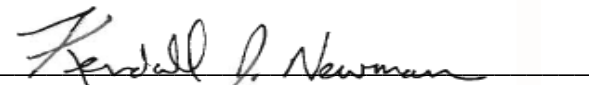
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Attorney General of California  
MISHA D. IGRA  
Supervising Deputy Attorney General

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18           /s/ *David E. Brice*

19           DAVID E. BRICE  
Deputy Attorney General  
*Attorneys for Defendants Mini, Lizarraga  
and Virga*

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22           **IT IS SO ORDERED.**

23           **Date: 4/16/2013**

24             
25           KENDALL J. NEWMAN  
26           UNITED STATES MAGISTRATE JUDGE

27           SA2010303600  
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