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

SHERMAN JONES,	Plaintiff,
v.	
C. CANNEDY, et al.,	Defendants.

Case No. 2:10-CV-02174-KJM-KJN
**STIPULATION TO MODIFY DISCOVERY
AND SCHEDULING ORDER; [PROPOSED]
ORDER**

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

RECITALS

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

WHEREAS, Plaintiff’s First Amended Complaint (hereinafter “FAC”) was filed on March 7, 2011.

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

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 (PMK) regarding the policy, practice or custom in
12 place 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 ("Defendants' PMK"), and scheduled
14 the deposition for 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 stipulated to extend the dispositive motion deadline
18 from April 26 to July 10, 2013, so that the deposition of Defendants' PMK could take place.

19 WHEREAS, the deposition of Defendants' PMK occurred on June 19, 2013.

20 WHEREAS, following the deposition of Defendants' PMK, counsel for the parties met and
21 conferred regarding potential resolution of this case, and have agreed to defer ordering a
22 deposition transcript to avoid further litigation costs at this time.

23 WHEREAS, counsel for the parties believe further time to consider potential resolution of
24 this case would be beneficial, prior to the filing of any dispositive motions, and thus, the
25 dispositive motion deadline should be extended by 45 days.

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STIPULATION

Now, therefore, IT IS HEREBY STIPULATED, by and between the parties, through their respective attorneys of record that the dispositive motion deadline in this case shall be extended 45 days to **August 23, 2013**.

IT IS SO STIPULATED.

Date: July 3, 2013

LAW OFFICE OF MARGUERITE E. MEADE

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

Dated: July 3, 2013

LAW OFFICE OF WILLIAM L. SCHMIDT

By: /s/ William L. Schmidt
William L. Schmidt

Attorney for Plaintiff SHERMAN JONES

Dated: July 3, 2013

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

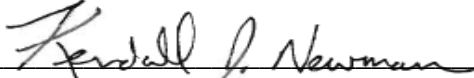
/s/ David E. Brice

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

IT IS SO ORDERED.

In addition, the parties are hereby informed that they may, either before or after expiration of the extended dispositive motion deadline of August 23, 2013, jointly request a settlement conference in this action, to be conducted by the undersigned Magistrate Judge, pursuant to the appropriate waivers of disqualification, or by another Magistrate Judge.

Date: 7/8/2013


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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