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12 **Attorneys for Defendants TERRY BARBER, the COUNTY OF SISKIYOU and the**  
13 **SISKIYOU COUNTY BOARD OF SUPERVISORS**

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**

16 RUTH LaTOURELLE,

Case No. 2:10-CV-2667 MCE CMK PS

17 Plaintiff,

18 vs.

EX PARTE APPLICATION,  
STIPULATION AND ORDER  
EXTENDING TIME TO AMEND  
COMPLAINT AND TO RESPOND  
TO AMENDED COMPLAINT

19 TERRY BARBER, WAYNE VIRAG,  
20 COUNTY OF SISKIYOU and SISKIYOU  
COUNTY BOARD OF SUPERVISORS,

21 Defendants.

22 STIPULATION

23 Whereas on January 21, 2011 this court issued its Findings and  
24 Recommendations (Doc 11) on defendants' Motion to Dismiss (Doc 5) granting said  
25 motion in part and denying said motion in part;

26 Whereas plaintiff filed Objections (Doc 12) to said Findings and  
27 Recommendations (Doc 11);

28 Whereas, on March 31, 2011 District Judge Morrison C. England, Jr., filed

1 his Order (Doc 14) adopting said Findings and Recommendations, in part and rejecting  
2 them in part;

3           Whereas, said Order (Doc 14) granted plaintiff leave to file and amended  
4 complaint within 30 days of the electronic filing of said Order;

5           Whereas, said Order (Doc 14) was electronically filed on March 31, 2011  
6 30 days from which is April 30, 2011, a Saturday, so that pursuant to Rule 6 (a)(1)(C) the  
7 last day for plaintiff to file her amended complaint is Monday, May 2, 2011;

8           Whereas, defendants attorneys will be out of the country on a pre-paid  
9 vacation between May 1, 2011 and May 15, 2011 and does not expect to return to his  
10 office until Tuesday May 17, 2011 and will, therefore, be unavailable to prepare a  
11 responsive pleading to said amended complaint, if filed on May 2, 2011, during the time  
12 provided by Rule 15 (a)(3) of the Federal Rules of Civil Procedure;

13           Whereas defendants filed herein on April 13, 2011 an Exparte Application  
14 (Doc 16) and supporting Declaration (Doc 16-1) requesting and extension of time to  
15 respond to plaintiff's amended complaint, which this Stipulation and Order, if granted will  
16 render moot;

17           Whereas, plaintiff desires additional time to prepare her amended  
18 complaint;

19           Whereas, defendants have filed an answer (Doc 15) to such part of  
20 plaintiff's original complaint not dismissed by said Order (Doc 14);

21           Whereas, no prior extensions of time have been granted or stipulated to;

22           NOW THEREFORE the parties stipulate as follows and request the court  
23 to so order:

- 24 1. Plaintiff's time to file her amended complaint is extended to May 16, 2011;  
25 2. Defendants' time to file a responsive pleading to plaintiff's amended complaint  
26 (whether filed on or before May 16, 2011) is extended to May 31, 2011.

27  
28 Dated: April \_\_, 2011

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Ruth LaTourelle, Plaintiff

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Dated: April \_\_\_\_, 2011

PRICE & BROWN

By:

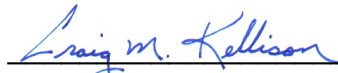
Philip B. Price, Attorneys for Defendants  
Terry Barber, County of Siskiyou, and  
Siskiyou County Board of Supervisors

ORDER

The Court having read the above Ex Parte application and stipulation and the Ex Parte Application (Doc 16) and supporting Declaration (Doc 16-1) of defendants, filed herein on April 13, 2011, and good cause appearing therefor:

IT IS SO ORDERED.

DATED: April 19, 2011



**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE