

1 XAVIER BECERRA, State Bar No. 118517
Attorney General of California
2 JOSEPH R. WHEELER, State Bar No. 216721
Supervising Deputy Attorney General
3 VAN KAMBERIAN, State Bar No. 176665
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 210-7352
6 Fax: (916) 324-5205
E-mail: Van.Kamberian@doj.ca.gov
7 *Attorneys for Defendants*
Walker, Virga, Donahoo, Morrow, Bradford
8 *Quinn, Gaddi, Pool, Lynch, Besenaiz, and Salas*

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

14 **ANTHONY PENTON,**
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16 Plaintiff,
17
18 **HUBARD, et al.,**
19 Defendants.
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2:11-cv-00518-TLN-KJN (PC)

**STIPULATION AND ORDER
REGARDING MOTION TO MODIFY
SCHEDULING ORDER ON
SHORTENED TIME**

21 Plaintiff Anthony Penton (“Plaintiff”) and Defendants Layton Johnson, James Walker,
22 Timothy V. Virga, Bryan Donahoo, Janice Bradford, Kevin Pool, Rolf Morrow, Ronald Gaddi,
23 Le’Vance Anthony Quinn, John Lynch, Gilbert Salas, and Rosemary Besenaiz (collectively
24 “Defendants”) respectfully submit this stipulation for an expedited briefing schedule on an
25 Motion to Modify the Scheduling Order to ensure the prompt resolution of this issue in advance
26 of the upcoming deadlines to complete expert discovery and file dispositive motions. Counsel for
27 the parties have met and conferred regarding Defendants request to modify the scheduling order
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1 deadlines for expert discovery and dispositive motions on a shortened time frame. The parties
2 agree that, subject to the Court's approval, the Defendants' Motion to Modify the Scheduling
3 Order shall be filed within 24 hours after the court serves its order on this Stipulation. Plaintiff
4 shall have seven days from the date Defendants file their motion to file an opposition. To expedite
5 the resolution of this matter, there will be no reply and the matter will be deemed submitted for
6 decision upon the filing of the opposition. The parties are available for a hearing at the Court's
7 convenience at any time following the submission of the Opposition, if the Court so desires.

8 It is stipulated by and between the parties through their respective counsel of record that
9 the Motion to Modify the Scheduling Order shall be briefed on an expedited time frame as set
10 forth above, subject to the Court's approval.

11 Dated: 4-14-20

Office of the Attorney General

12
13 /s/ Van Kamberian

Van Kamberian

Deputy Attorney General

Attorneys for Walker, Virga, Donahoo, Morrow,
14 Bradford, Salas, Lynch, Quinn, Gaddi, Bradford,
15 Besenaiz and Pool

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17 Dated: 4-14-20

LONGYEAR & LAVRA, LLP

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19 /s/ Nicole Cahill [as authorized 4/14/2020]

VAN LONGYEAR

NICOLE CAHILL

Attorneys for Defendant, L. Johnson

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21
22 Dated: 4-14-20

SIMPSON THACHER & BARTLETT LLP

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24 /s/ Harrison J. Frahn IV [as authorized 4/14/2020]

Harrison J. Frahn IV (SBN: 206822)

hfrahn@stblaw.com

Michael R. Morey (SBN: 313003)

michael.morey@stblaw.com

25 Katerina L. Siefkas (SBN: 324372)

katerina.siefkas@stblaw.com

26 Kourtney J. Kinsel (SBN:324370)

kourtney.kinsel@stblaw.com

27 SIMPSON THACHER & BARTLETT LLP

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2475 Hanover Street
Palo Alto, California 94304
Telephone: (650) 251-5000; Fax: (650) 251-5002
Attorneys for Plaintiff Anthony Penton

1 **ORDER RE: SHORTENED TIME FOR HEARING ON MOTION TO MODIFY**
2 **SCHEDULING ORDER**

3 Based on the foregoing Stipulation of the parties and good cause appearing, the
4 undersigned grants the request for shortened briefing periods. Following review of the briefing, if
5 the undersigned deems a hearing necessary, the court will set a telephonic hearing on shortened
6 notice.

7 IT IS HEREBY ORDERED that:

- 8 1. Defendants shall file their Motion to Modify the Scheduling Order within 24 hours
9 after the court serves its order on this stipulation.
- 10 2. Plaintiff shall file his Opposition to Defendants’ Motion to Modify the Scheduling
11 Order within seven days from the date that Defendants file their motion.
- 12 3. There will be no reply; the matter will be deemed submitted upon filing of the
13 opposition.

14 Dated: April 17, 2020

15 *Kendall J. Newman*
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 KENDALL J. NEWMAN
 UNITED STATES MAGISTRATE JUDGE

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