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25 **UNITED STATES DISTRICT COURT**
 26 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

27 ANTHONY PENTON,	}	Case No.: 2:11-CV-00518-DJC-KJN
28 Plaintiff,	}	STIPULATION AND ORDER REGARDING DEADLINES
29 vs.	}	
30 L. JOHNSON, ,	}	
31 Defendant.	}	

32 Plaintiff Anthony Penton (“Plaintiff”) and Defendant Layton Johnson (“Defendant”)
 33 (collectively, the “Parties”) respectfully submit this stipulation to clarify and reiterate deadlines
 34 related to Plaintiff’s Motion for Attorneys’ Fees and Costs (ECF No. 378).

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1 Plaintiff filed a Motion for Attorneys' Fees and Costs on October 20, 2023, with a
2 November 30, 2023 hearing date. (ECF No. 378.) On October 26, 2023, the Parties submitted
3 a stipulation and proposed order that, among other things, set a proposed briefing schedule for
4 Plaintiff's Motion for Attorneys' Fees. (ECF No. 379.) This proposal required Defendant's
5 Opposition to the motion to be due 14 days after the resolution of Defendant's Rule 50 and Rule
6 59 motions. The Court granted the Parties' stipulation on October 27, 2023. (ECF No. 380.)

7 The transcript of the trial was emailed to Defense counsel on November 3, 2023,
8 requiring Defendant's Rule 50 motion to be due on November 24, 2023, the day after
9 Thanksgiving. (ECF No. 371, Declaration of Nicole Cahill ¶ 2.) Due to the timing of the
10 deadlines for Defendant's Rule 50 and Rule 59 motions with the Thanksgiving and Veterans'
11 Day holidays, the Parties filed a stipulation for a briefing schedule for Defendant's Rule 50
12 motion and Supplemental Rule 59 motion. (ECF No. 383.) The Court signed the order, but
13 added a paragraph moving the hearing date for Defendant's motions to January 18, 2024. The
14 order also moved the hearing date for Plaintiff's Motion for Attorneys' Fees and Costs to the
15 same date, which inadvertently had not been vacated with the Parties' previously filed
16 stipulation. (ECF No. 384.)

17 Accordingly, the Parties submit this stipulation to clarify that they seek to reinforce the
18 previous stipulation, requiring Defendant's Opposition to Plaintiff's Motion for Attorneys' Fees
19 to be due 14 days after the this Court's ruling on Defendant's Rule 50 and Rule 59 motions and
20 vacating the hearing on January 18, 2024, only as to Plaintiff's Motion for Attorneys' Fees and
21 Costs.

22 Dated: November 28, 2023

LONGYEAR & LAVRA, LLP

23
24 By: /s/ Nicole M. Cahill

25 VAN LONGYEAR
26 NICOLE M. CAHILL
27 Attorneys for Defendant,
28 L. Johnson

1 Dated: November 28, 2023

SIMPSON THACHER & BARTLETT LLP

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3
4 By: /s/ Pierce A. MacConaghy[as authorized 11-28-23]

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