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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12

13 JOHN PHILIP MONCRIEF,)

14 Plaintiff,)

15 v.)

16 CALIFORNIA DEPARTMENT OF)
CORRECTIONS & REHABILITATION,)
17 RANDY GROUNDS, GARY)
SWARTHOUT, and DOES 1-50,)
18 inclusive,)

19 Defendants.)
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CASE NO.: 2:12-cv-00414 MCE AC P

**STIPULATION AND [PROPOSED
ORDER] FOR EXTENSION OF TIME
TO FILE A MOTION TO AMEND AND
TO AMEND COMPLAINT (L. Rule 144;
FRCP 6)**

21 **STIPULATION**

22 On June 24, 2014, the parties filed a Stipulation and Proposed Order to extend the time
23 for Plaintiff to file an amended complaint (Docket #49). The purpose of the extension was to
24 allow Plaintiff to complete discovery into the names of Doe defendants. Since that time,
25 Defendants' counsel has been attempting, in response to Plaintiff's FRCP 30(b)(6) deposition
26 notice, to identify the person(s) most knowledgeable about decisions that were made related
27 to the housing of Plaintiff on the date alleges he was injured. Defendants' counsel is still in
28 the process of identifying the person(s) most knowledgeable. Plaintiff is unable to amend the

1 complaint until such identification has been made and the deposition(s) have been taken. The
2 parties anticipate that the person(s) most knowledgeable can be identified, and the
3 deposition(s) taken by October 17, 2014.

4 Therefore, pursuant to Civil Local Rules 144, and FRCP 6, Plaintiff John Moncrief, by
5 and through his attorney of record, Kenneth Frucht of the Geonetta & Frucht, LLP law firm,
6 and Defendants Grounds, Swarthout, and CDRC, by and through their attorney of record
7 Kelli M. Hammond, hereby stipulate that the time for Plaintiff to file a motion to amend and
8 to file an amended complaint be extended from August 25, 2014, as set forth in the Court's
9 June 25, 2014 Order (Docket #50) to November 7, 2014. The purpose of the extension is to
10 allow Plaintiff to take sufficient discovery to be able to identify Doe defendants so that he can
11 file an amended complaint substituting in the named defendants for the individual defendants.

12 **SO STIPULATED.**

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15 Dated: August 25, 14

GEONETTA & FRUCHT, LLP

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17 By: /s/ *Kenneth Frucht*

KENNETH FRUCHT
Attorneys for Plaintiff

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21 Dated: August 25, 14

ATTORNEY GENERAL OF CALIFORNIA

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23 By: /s/ *Kelli M. Hammond*

KELLI M. HAMMOND
Deputy Attorney General
Attorneys for Defendants

1 **IT IS SO ORDERED**

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5 DATED: August 25, 2014

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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