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

12 **JOHN PHILLIP MONCRIEF,**

13 Plaintiff,

14 v.

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 16 **CALIFORNIA DEPARTMENT OF**
 17 **CORRECTIONS and**
 18 **REHABILITATION, et al.,**

19 Defendants.

Case No. 2:12-cv-00414 MCE AC (PC)

**STIPULATION TO EXTEND TIME FOR
 DEFENDANTS TO COMPLETE THE
 DEPOSITION OF PLAINTIFF; PROPOSED
 ORDER**

20 The parties request a five-day extension of time to take the deposition of Plaintiff on or
 21 before February 19, 2016. On December 18, 2015, the parties submitted a stipulation for an
 22 extension of time to complete the depositions of the parties, as the pleadings were not finalized
 23 until September 2015, and counsel for both parties were preparing for trial and/or in trial. (ECF
 24 No. 74.) The Court issued an Order on December 23, 2016, granting the stipulation that
 25 discovery be re-opened for the purpose of deposing the parties only to be completed by February
 26 12, 2016. (ECF No. 75.)

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1 Counsel for Defendants had a trial scheduled in the Eastern District on January 25, 2016.
2 That trial date was vacated on January 12, 2016, and set for a settlement conference on February
3 4, 2016.

4 Once the January 25, 2016 trial date was vacated, counsel started discussions to set the
5 depositions of the two Defendants and Plaintiff. During those discussions, on January 26, 2016,
6 counsel for Defendants had to travel out-of-state for a funeral of a family member, and will not be
7 back in the office until February 1, 2016. However, Defendants' counsel has had her office
8 contact with Plaintiff's counsel to continue to obtain available dates for the depositions.
9 Agreement was made for Defendants' depositions to be taken on February 5, 2016, at Plaintiff's
10 counsel's office in Oakland. Plaintiff is currently incarcerated at RJD Correctional Facility in San
11 Diego. Counsel for both parties will need to travel to San Diego to take the deposition of
12 Plaintiff. Communication between our offices has been consistent in attempts to obtain a
13 conveniently available date for Plaintiff's deposition. Plaintiff's counsel is not available the week
14 of February 8, 2016, except for February 10, 2016. Defendants' counsel is available all week of
15 February 8, 2016, except for February 10, 2016, as she has a hearing at 10:00 a.m. in the Fresno
16 District Court, with appearance required. Plaintiff's counsel has advised he is available on
17 February 17, 2016. Contact has been made with the litigation coordinator at RJD , who
18 confirmed that the deposition can be taken on February 17, 2016.

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STIPULATION

Under Local Rule 144 and Fed. Rule Civ. P. 6, the parties, by and through their respective attorneys of record, hereby stipulate that the time for Defendants to take the deposition of Plaintiff be extended to February 19, 2016.

SO STIPULATED.

Dated: January 29, 2016

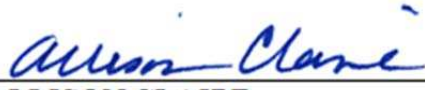
By: /s/ Kenneth Frucht
KENNETH FRUCHT
GEONETTA & FRUCHT, LLP
Attorneys for Plaintiff

Dated: January 29, 2016

By: /s/ Monica N. Anderson
MONICA N. ANDERSON
Supervising Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED

DATED: February 1, 2016


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE