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15 **Attorneys for Defendants**

16 **UNITED STATES DISTRICT COURT**  
 17 **EASTERN DISTRICT OF CALIFORNIA,**  
 18 **SACRAMENTO DIVISION**

21 JANELLE JONES, et al  
 22 Plaintiffs,  
 23 vs.  
 24 CALIFORNIA DEPARTMENT OF  
 25 CORRECTIONS AND REHABILITATION,  
 26 et al., and DOES 1 through 50, inclusive,  
 27 Defendants.  
 28

**CASE NO. 2:12-CV-02181-MCE-CKD**  
**JOINT STIPULATION FOR LEAVE TO**  
**FILE FIRST AMENDED COMPLAINT;**  
**ORDER THEREON**  
 Action Filed: August 21, 2012

1 **TO THE HONORABLE MORRISON C. ENGLAND, Jr., U.S. DISTRICT COURT**  
2 **JUDGE:**

3 WHEREAS on August 21, 2012, Plaintiffs Janelle Jones and T.J., a minor,  
4 (“PLAINTIFFS”) filed a complaint alleging violations of 42 U.S.C. §§1983 and 1988, as well as  
5 the general laws of the United States and of the State of California against defendants California  
6 Department Of Corrections and Rehabilitation, Matthew Cates, Mike McDonald, Ed Simmerson,  
7 John McClellan, and DOES 1 through 50, inclusive (“DEFENDANTS”) [Dkt. Nos. 1-3];

8 WHEREAS PLAINTIFFS timely effectuated service of the complaint on the  
9 DEFENDANTS [Dkt. Nos. 13-17];

10 WHEREAS on December 10, 2012, DEFENDANTS filed a Motion to Dismiss set for  
11 hearing on April 4, 2013 [Dkt. No. 19];

12 WHEREAS PLAINTIFFS and DEFENDANTS have discussed the issues raised in the  
13 Motion to Dismiss and DEFENDANTS have consented to PLAINTIFFS amending their  
14 complaint to address those issues;

15 WHEREAS a copy of PLAINTIFFS’ proposed First Amended Complaint is attached  
16 hereto as Exhibit “A”.

17  
18 **IT IS HEREBY STIPULATED** by and between PLAINTIFFS and DEFENDANTS,  
19 through their respective counsels of record, that PLAINTIFFS should be granted leave to file a  
20 First Amended Complaint without a hearing as provided by Federal Rule of Civil Procedure 15  
21 and Eastern District of California Local Rules 200 and 220;and

22 **IT IS HEREBY STIPULATED** the PLAINTIFFS shall file the First Amended  
23 Complaint within five (5) calendar days of the Court’s Order permitting such filing and that  
24 DEFENDANTS’ responsive pleading thereto shall be filed thirty (30) days after the filing of the  
25 First Amended Complaint; and

26 **IT IS FURTHER STIPULATED** that DEFENDANTS’ Motion To Dismiss shall be  
27 withdrawn.  
28

1 **IT IS SO STIPULATED:**

2 Dated: March 15, 2013

**TRON & TRON**

3 By \_\_\_\_\_ /s/  
4 **LANNY M. TRON, ESQ.**  
5 Attorneys for Plaintiffs

6 Dated: March 15, 2013

**CALIFORNIA ATTORNEY GENERAL’S OFFICE**

7 By \_\_\_\_\_ /s/  
8 **KEVIN W. REAGER, ESQ.**  
9 Attorneys for Defendants

10 **ORDER**

11 The Court having reviewed the foregoing Stipulation and good cause appearing  
12 therefore:


13 **IT IS HEREBY ORDERED** that Plaintiffs Janelle Jones and T.J., a minor, are granted  
14 leave to file a First Amended Complaint, a copy of which is attached hereto as Exhibit “A”;

15 **IT IS FURTHER ORDERED** that Defendants’ Motion to Dismiss (ECF No. 19) is  
16 withdrawn and the hearing set for April 4, 2013 is vacated; and

17 **IT IS FURTHER ORDERED** that Plaintiff shall file the First Amended Complaint  
18 within five (5) calendar days of the Court’s Order permitting such filing and that Defendants’  
19 responsive pleading thereto shall be filed within thirty (30) days after the filing of the First  
20 Amended Complaint.

21 **IT IS SO ORDERED:**

22 DATED: March 19, 2013

23   
24 \_\_\_\_\_  
25 **MORRISON C. ENGLAND, JR., CHIEF JUDGE**  
26 **UNITED STATES DISTRICT JUDGE**