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

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

CASE NO. 2:12-CV-02181-TLN-CKD
**JOINT STIPULATION TO FURTHER
 MODIFICATION OF SCHEDULING
 ORDER; ORDER**
 Action Filed: August 21, 2012

27 **TO THE HONORABLE TROY L. NUNLEY, U.S. DISTRICT COURT JUDGE:**

1 **SUMMARY OF RELIEF SOUGHT THROUGH THIS STIPULATION**

2 Currently pending before this Court is defendants California Department Of Corrections
3 and Rehabilitation, Matthew Cates, Mike McDonald, Ed Simmerson, John McClellan, and
4 DOES 1 through 50, inclusive (“DEFENDANTS”) motion to dismiss Plaintiffs Janelle Jones and
5 T.J., a minor, (“PLAINTIFFS”) second, third, and fourth claims for relief set forth in the Second
6 Amended Complaint (SAC), and a motion to strike portions of the SAC. The motions were
7 taken under submission by this Court on May 28, 2015 [Dkt. No. 70], and remain under
8 submission.

9 Based upon the current Pre-Trial Scheduling Order, DEFENDANTS must file any
10 dispositive motion by July 9, 2015—within approximately one week. After meeting and
11 conferring, the parties have agreed that a decision on the merits of the pending motions to
12 dismiss and strike may substantially impact the scope and substance of the litigation, and that
13 proceeding apace without a decision on the merits may result in a needless expenditure of Court,
14 State, and litigant time and resources. Accordingly, the parties have herein stipulated to vacating
15 the current trial date, and all pre-trial dates, including the last day to file any dispositive motions,
16 until the Court has decided the pending motions to dismiss and strike, and the pleadings in this
17 case are set and the case is at-issue. In the alternative, the parties have herein stipulated to
18 continuing the trial and pre-trial dates by six months, as set forth below.

19 **PERTINENT PROCEDURAL BACKGROUND**

20 On August 21, 2012, PLAINTIFFS filed their initial complaint alleging violations of 42
21 U.S.C. §§1983 and 1988, as well as the general laws of the United States and of the State of
22 California against DEFENDANTS [Dkt. Nos. 1-3];

23 On March 22, 2013, PLAINTIFFS filed a First Amended Complaint. [Dkt. No. 24];

24 On April 23, 2013, DEFENDANTS filed an answer to the First Amended Complaint.
25 [Dkt. No. 27];

26 On May 2, 2013, PLAINTIFFS and DEFENDANTS filed an Updated Joint Status Report
27 pursuant to this Court’s order. [Dkt. No. 29];

28 On July 15, 2013, the Court issued its Pre-trial Scheduling Order. [Dkt. No. 31];

1 Based upon PLAINTIFFS' counsels' serious personal and medical issues that arose after
2 the Court's issuance of its initial Pre-trial Scheduling Order, as well as additional scheduling
3 complications due to discovery issues, the parties have filed prior Stipulations seeking
4 modification of the Pre-trial Scheduling Order, which have been approved, and Amended
5 Scheduling Orders have been entered on October 18, 2013 [Dkt. No. 35]; on March 14, 2014
6 [Dkt. No. 37]; July 24, 2014 [Dkt. No. 42]; and February 2, 2015 [Dkt. No. 54];

7 On March 27, 2015, this Court granted Defendants' motion for judgment on the
8 pleadings in part and denied the motion in part. [Dkt. No. 57] In accordance with the Court's
9 order, Plaintiffs filed a second amended complaint (SAC). [Dkt Nos. 57, 60] Defendants have
10 filed motions to strike and dismiss the SAC. [Dkt Nos. 61, 62, 63, 64] These motions are fully
11 briefed and pending before the court. [Dkt Nos. 65, 66, 68, 69, 70]

12 The parties agree that a decision on the merits of the pending motion to dismiss and
13 motion to strike may substantially impact the scope and substance of the litigation, and that
14 proceeding apace without a decision on the merits may result in a needless expenditure of
15 Judicial, State and litigant time and resources. Accordingly PLAINTIFFS and DEFENDANTS
16 agree that the trial date and all pre-trial dates should be vacated at this time, and reset once the
17 Court has decided the pending motions to strike and dismiss, and the pleadings are set and the
18 case is at-issue. In the alternative, the parties seek a six-month continuance of the trial date and
19 all pre-trial deadlines, as set forth below:
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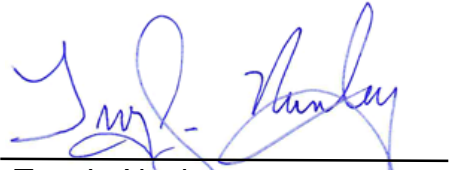
<u>Current Date</u>	<u>Proposed New Date</u>	<u>Event</u>
6/2/15	12/02/15	Last day to complete non-expert discovery.
8/13/15	2/11/16	Last day to hear dispositive motions. Motion filed 35 24 days before hearing; opposition filed 14 days before 25 hearing; reply filed 7 days before hearing.
9/17/15	3/17/16	Mandatory Settlement Conference
8/27/15	2/26/16	Last day to designate experts.
11/12/15	5/12/16	Last day to file joint pretrial conference statement.

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ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing, therefore ORDERS that the current trial date and pre-trial deadlines, including the date upon which dispositive motions in this case could be last filed, are hereby VACATED. The Court will issue a new trial date and pre-trial deadlines subsequent to ruling on the pending Motion to Dismiss and Motion to Strike (ECF Nos. 61 & 63).

Dated: July 6, 2015



Troy L. Nunley
United States District Judge