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

12 MILTON SYKES) **CASE NO.: 2:12-CV-02570-TLN-KJN**
13 Plaintiff) **STIPULATION AND**
14) **ORDER TO EXTEND TIME FOR**
15 Vs.) **FILING OF PLAINTIFF’S OPPOSITION**
16) **TO DEFENDANTS’ MOTIONS FOR**
17) **SUMMARY JUDGMENT AND**
18) **DEFENDANTS’ REPLY**
19)
20 DR. ATHANNASIOUS, ET AL.)
21 And DOES 1 THROUGH 5)
22 Defendants) **JUDGE: THE HONORABLE KENDALL J.**
23) **NEWMAN**

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25 On March 16, 2016, the Court ordered that pretrial motions be filed within sixty (60)
26 days of the order. (See ECF No.136). The court gave Plaintiff forty-five (45) days to oppose
27 any motion for summary judgment and Defendants’ reply due seven (7) days thereafter. The
28 court encouraged the parties to stipulate to additional time should Plaintiff require additional
29 time to file an opposition.

30 On May 13, 2016 Defendant – Dr. Khaira filed his Motion for Summary Judgment
31 (ECF No. 137.) On May 16, 2016 Defendants – Drs. Athannasious, Weiland and Bick filed
32 their Motion for Summary Judgment (ECF No. 138.)

1 On May 20, 2016, the court appointed Rebecca A. Weinstein-Hamilton as co-counsel to
2 represent plaintiff for the limited purpose of opposing Defendants’ motions for summary
3 judgment.

4 Based on the very nature of the case, the motions for summary judgment filed by all
5 defendants are voluminous and necessitate significant attorney time in opposing them. In
6 addition, medical experts need to be retained to assist in responding to said motions.

7 An extension of time up to and including October 31, 2016, for Plaintiff to file his
8 oppositions to the motions for summary judgment will not significantly impact the progress of
9 this case or unfairly prejudice the Defendants. Defendants’ reply shall be due within forty-five
10 (45) days after filing of Plaintiff’s opposition to the motions for summary judgment.

11 Plaintiff, by and through his attorney of record –Rebecca E. Ihejirika, and Defendants -
12 Dr. Athanasious, Dr. Weiland and Dr. Bick by and through their attorney - Deputy Attorney
13 General – Kevin W. Reager, together with Defendant – Dr. Khaira by and through his attorney
14 – Theodore D. Poppinga, hereby stipulate and request that the Court grant the said parties an
15 extension of the deadline by which Plaintiff shall file his oppositions to the motions for
16 summary judgment and the Defendants’ shall file their reply. This request is not brought for
17 any improper purpose.

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19 WHEREFORE, Plaintiff, by and through his attorney of record –Rebecca E. Ihejirika, and
20 Defendants - Dr. Athanasious, Dr. Weiland and Dr. Bick by and through their attorney -
21 Deputy Attorney General – Kevin W. Reager, together with Defendant – Dr. Khaira by and
22 through his attorney – Theodore D. Poppinga hereby agree and stipulate as follows:

- 23 (1) The deadline for Plaintiff to file his Oppositions to the Motions for Summary Judgment
24 is extended up to and including, October 31, 2016.
25 (2) Defendants’ reply shall be due within forty-five (45) days after filing of Plaintiff’s
26 Oppositions to the Motions for Summary Judgment.

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1 **IT IS SO STIPULATED:**

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4 Date: 06/24/2016

Sign: /s/ Rebecca E. Ihejirika

5 REBECCA E. IHEJIRIKA
6 Attorney for Plaintiff Milton Sykes
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8

9 Date: 06/24/2016

Sign: /s/ Kevin W. Reager

10 KEVIN W. REAGER
11 Attorney for Defendants – Dr. Athannasious, Dr.
12 Weiland, Dr. Bick
13

14 Date: 06/23/2016


Sign: /s/ Theodore D. Poppinga

15 THEODORE D. POPPINGA
16 Attorney for Defendant – Dr. Khaira

17 **IT IS ORDERED AS FOLLOWS:**

- 18 1.) Plaintiff – Milton Sykes shall file his Oppositions to Defendants’ Motions for Summary
19 Judgment on or before October 31, 2016.
20 2.) Defendants’ Reply shall be due within forty-five (45) days after filing of Plaintiff’s
21 Oppositions to the Motions for Summary Judgment.
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23 Dated: June 28, 2016
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE