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8			
9	UNITED STATES DISTRICT COURT		
10	IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA		
11	-000-		
12	MICHAEL GRESS,) Case No. 2:13-CV-00328-KJN	
13	Plaintiff,) STIPULATION AND ORDER ALLOWING) PLAINTIFF TO FILE SECOND	
14	vs.) AMENDED COMPLAINT) FOR DAMAGES	
15	Dr. CHRISTOPHER SMITH, et al.,)	
16	Defendants.		
17			
18			
19	WHEREAS on December 23, 2013, Plaintiff, MICHAEL GRESS ("Plaintiff") filed his First		
20	Amended Complaint for Damages against Dr. CHRISTOPHER SMITH, et al. At the time of the		
21	filing, Plaintiff believed based on the information known and believed to be true at the time, that the		
22	medical personnel "Barnett" named in the First Amended Complaint was Jacqueline Barnett.		
23	However, based on information obtained after the filing, Plaintiff now believes the proper party is		
24	Dr. Bruce Barnett.		
25	WHEREAS Plaintiff seeks to file his Second Amended Complaint to add Defendant Dr. Bruce		
26	Barnett.		
27	WHEREAS a copy of Plaintiff's proposed Second Amend Complaint for Damages is attached		
28	1 STIPULATION AND ORDER ALLOWING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT FOR DAMAGES		

1	hereto as "Exhibit A."			
2	WHEREAS by stipulating to the filing of the Second Amended Complaint, Defendants are not			
3	waiving any defense, including but not limited to the statute of limitations, that may be available.			
4	IT IS HEREBY STIPULATED, by and between the parties hereto through their respective			
5	attorneys of record that:			
6	1. Plaintiff should be granted leave to amend to file his Second Amended Complaint for			
7	Damages, a copy of which is attached hereto as "Exhibit A."			
8	2. Defendants should be granted 30 days to file a responsive pleading from the date of the			
9	attached Order.			
10	10			
11	11			
12	12 Dated: June 4, 2014 DAU	GHERTY & DAUGHERTY		
13	13 By:/ <u>s/</u>	Ryan M. Daugherty		
14	14	RYAN M. DAUGHERTY		
15 16		Attorney for Plaintiff Michael Gress		
17	Dated: June 5, 2014 ATT	ORNEY GENERAL'S OFFICE		
18	18 By:/ <u>s/</u>	Kevin Reager		
19	19	KEVIN REAGER		
20	20	Attorney for Defendants		
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	STIPULATION AND ORDER ALLOWING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT FOR DAMAGES			

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ORDER

Having reviewed the foregoing Stipulation, and good cause appearing therefor, IT IS HEREBY ORDERED that:

- 1. Plaintiff is granted leave to amend to file his Second Amended Complaint for Damages, a copy of which was attached to the June 11, 2014 Stipulation as "Exhibit A." (ECF No. 46.)
 - 2. The Second Amended Complaint for Damages is deemed filed as of June 11, 2014.
 - 3. Defendants have thirty days from the date of this order to file a responsive pleading.
- 4. The Clerk of the Court is directed to remove the proposed second amended complaint (ECF No. 46 at 5-15 & No. 46-1 at 1-14), and file separately docket it as plaintiff's second amended complaint, *nunc pro tunc*, as of June 11, 2014.

Dated: June 26, 2014

UNITED STATES MAGISTRATE JUDGE