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his official capacity as State Controller
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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11
 12

13 **DALE HEIZER,**
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 Plaintiff,
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 v.
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INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 39; AND JOHN
CHIANG IN HIS OFFICIAL CAPACITY AS
STATE CONTROLLER OF CALIFORNIA,
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 Defendants.
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2:14-CV-00458-TLN-EFB
STIPULATED REQUEST FOR
EXTENSION OF TIME TO
RESPOND TO FIRST AMENDED
COMPLAINT; ORDER THEREON
 Courtroom: 2
 Judge: Hon. Troy L. Nunley
 Action Filed: April 1, 2014

1 **STIPULATED REQUEST FOR EXTENSION OF TIME**
2 **TO RESPOND TO FIRST AMENDED COMPLAINT**

3 Plaintiff Dale Heizer (hereinafter “Plaintiff”) and Defendant John Chiang in
4 his official capacity as the State of California Controller (hereinafter “Defendant
5 Controller”), through their undersigned counsel of record, hereby respectfully
6 request that Defendant Controller be granted until and including June 13, 2014, to
7 respond to Plaintiff’s First Amended Complaint.

8 In support of that request, Plaintiff and Defendant Controller state as follows:

9 1. The responsive pleading on behalf of Defendant Controller is currently due
10 on April 30, 2014. The requested extension until and including June 13, 2104, will
11 afford Defendant Controller a forty-four day extension of time to respond to the
12 First Amended Complaint.

13 2. Defendant Controller was not named as a defendant when the Original
14 Complaint was filed.

15 3. No previous extensions of time to respond to the First Amended Complaint
16 have been requested or granted in this case.

17 4. The requested extension of time is necessary because Defendant Controller
18 has only recently secured counsel to represent him in this case, Plaintiff’s First
19 Amended Complaint contains numerous factual allegations that counsel must
20 investigate in order to prepare a responsive pleading, and Defendant Controller’s
21 counsel have numerous litigation commitments that will require their attention in
22 the next forty-four days.

23 5. The requested extension of time will not require the Court to reschedule any
24 pretrial dates previously scheduled in this case.

25 The foregoing is hereby stipulated between Plaintiff and Defendant Controller,
26 who respectfully request the Court to grant the extension of time.

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STIP. REQUEST FOR EXTENSION OF TIME TO RESPOND TO FAC; ORDER

1 Dated: April 24, 2014

Respectfully submitted,

2 KAMALA D. HARRIS
3 Attorney General of California
4 MARK R. BECKINGTON
5 Supervising Deputy Attorney General
6 KIM L. NGUYEN
7 Deputy Attorney General

8 By: /s/ Kim L. Nguyen

9

Kim L. Nguyen

10 *Attorneys for John Chiang in his*
11 *official capacity as State Controller*

12 GEOFFREY M. MACLEAY
13 W. JAMES YOUNG
14 c/o National Right to Work Legal
15 Foundation

16 STEVEN R. BURLINGHAM
17 Gary, Till & Burlingham

18 By: /s/ Geoffrey M. MacLeay
19 (approved on April 24, 2014)

20

Geoffrey M. MacLeay

21 *Attorneys for Plaintiff Dale Heizer*

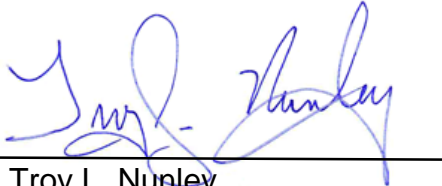
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ORDER

Plaintiff Dale Heizer and Defendant State Controller have stipulated to a forty-four day extension of time, up to and including June 13, 2014, for Defendant State Controller to file his response to the First Amended Complaint.

IT IS SO ORDERED

Dated: April 29, 2014



Troy L. Nunley
United States District Judge