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5	Attorney for Plaintiff		
6	PHILIPP K. SAUD		
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9	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA		
10	FOR THE EASTERN DISTRICT OF CALIFORNIA		
11	PHILIPP K. SAUD,	No. 2:14-cv-02536-GEB-AC	
12	Plaintiff,	STIPULATION AND ORDER GRANTING	
13	v.	LEAVE TO FILE SECOND AMENDED COMPLAINT	
14	STATE OF CALIFORNIA,		
15	DEPARTMENT OF HEALTH CARE SERVICES,		
16	Defendant.		
17			
18	Plaintiff PHILIPP K. SAUD ("Pla	aintiff") and Defendant STATE OF CALIFORNIA,	
19	DEPARTMENT OF HEALTH CARE SERVICES ("Defendant") submit the following Stipulation		
20	and request that the Court grant Plaintiff leave to file a Second Amended Complaint pursuant to Rule		
21	15(a) of the Federal Rules of Civil Procedure:		
22	1. Plaintiff filed his Complaint on October 29, 2014 in the United States District Court,		
23	Eastern District of California;		
24	2. On November 20, 2014 Defendant filed Defendant's Motion to Dismiss Complaint;		
25	For More Definite Statement (FRCP 12b6, 12e);		
26	3. On December 8, 2014 Plaintiff filed his Opposition to Defendant's Motion to Dismiss		
27	Or For More Definite Statement. In Plaintiff	's Opposition he decided not to pursue his claims under	
28	Count 16 of the Complaint and stated that he	had no opposition to the dismissal of Count 16.	

1	4. On July 15, 2015 the Cour	t filed its Order Granting Defendant's Motion To Dismiss,	
2	granting Plaintiff ten days leave from the date on which the Order was filed to file an amended		
3	complaint addressing the stated deficiencies in any dismissed claim.		
4	5. On July 27, 2015 Plaintiff	filed his First Amended Complaint addressing portions of	
5	certain counts dismissed by the Court <sup>1</sup> . However, Plaintiff inadvertently left Count 16 in the First		
6	Amended Complaint.		
7	6. Counsel for Defendant co	ntacted Plaintiff's counsel and pointed out that Count 16	
8	remained in the First Amended Complaint. Plaintiff's counsel agreed to file a Second Amended		
9	Complaint to cure the deficiency so that Defendant would not have to file a motion to dismiss Count		
10	16.		
11			
12	NOW, THEREFORE, the parties hereby stipulate and request that the Court grant Plaintiff		
13	leave to file a Second Amended Complaint in this action, a true and correct copy of which is		
14	attached hereto as Exhibit A.		
15	IT IS SO STIPULATED.		
16		GAVRILOV & BROOKS	
17			
18	Dated: July 28, 2015	/S/ J. Edward Brooks J. Edward Brooks	
19		Attorney for Plaintiff Philipp K. Saud	
20		KAMALA D. HARRIS	
21		ATTORNEY GENERAL OF CALIFORNIA	
22	Dated: July 28, 2015	/S/ Kristin M. Daily	
23	Dutod. 3419 20, 2013	Kristin M. Daily Attorney for Defendant	
24		State of California Department of Health Care Services	
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27			
28	<sup>1</sup> The 10th day to file an amended complaint fell on a Saturday thus making July 27, 2015 the last day to file pursuant to Rule 6 of the Federal Rules of Civil Procedure.		

2.

1	ORDER
2	IT IS HEREBY ORDERED that Plaintiff is granted five days leave from the date on which
3	this order is filed to file the Second Amended Complaint attached to the Stipulation as Exhibit A.
4	Dated: July 29, 2015
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6	Sabel E. Runelly
7	GARLAND E. BURRELL, JR. Senior United States District Judge
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