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9 and MARGIE DEMARTINI

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 TIMOTHY P. DEMARTINI and MARGIE
13 DEMARTINI,

Case No.: 2:14-CV-02722 JAM CKD PS

14 Plaintiffs,

**STIPULATION TO AMEND
COMPLAINT AND COUNTER-CLAIM
ORDER THEREON**

15 v.

16 MICHAEL J. DEMARTINI, RENATE
17 DEMARTINI aka RENATE B. DEMARTINI,
18 and DOES 1 through XX, inclusive,

19 Defendants.

20 _____ \

21
22 Come now Plaintiffs, acting by and through their counsel of record, and Defendants, in
23 propria persona, and stipulate as follows:

- 24 1. Plaintiffs shall be permitted to file the First Amended Complaint attached hereto and
25 incorporated herein by reference as Exhibit "A", and which is the subject of their
26 pending motion for leave to do so; and
27 2. Defendants/Counter-claimants shall be permitted to file the proposed Amended
28 Answer and Counter-claim attached hereto and incorporated herein by reference as

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Exhibit “B”, and which is the subject of their pending counter-motion for leave to do so; and

- 3. Plaintiffs shall have twenty (20) days from the date of the Court’s Order on this Stipulation to respond to the Amended Counterclaim; and
- 4. Entry of the Order on this Stipulation shall not serve to vacate, or otherwise change or effect, the Court’s September 3, 2015 Status (Pretrial Scheduling) Order, all of whose provisions shall remain in effect.

DATED: September 28, 2015

PORTER SIMON
Professional Corporation

Peter H. Cuttitta
Attorneys for Plaintiffs TIMOTHY P.
DEMARTINI and MARGIE DEMARTINI

DATED:

Michael J. DeMartini
Defendant, In Propria Persona

DATED:

Renate DeMartini
Defendant, In Propria Persona

ORDER


Good cause appearing therefore, the Court Orders that:

- 1. Plaintiffs shall be permitted to file the First Amended Complaint attached hereto and incorporated herein by reference as Exhibit “A”, and which is the subject of their pending motion for leave to do so; and

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2. Defendants/Counter-claimants shall be permitted to file the proposed Amended Answer and Counter-claim attached hereto and incorporated herein by reference as Exhibit "B", and which is the subject of their pending counter-motion for leave to do so; and
3. Plaintiffs shall have twenty (20) days from the date of the Court's Order on this Stipulation to respond to the Amended Counterclaim; and
4. Entry of the Order on this Stipulation shall not serve to vacate, or otherwise change or effect, the Court's September 3, 2015 Status (Pretrial Scheduling) Order, all of whose provisions shall remain in effect.

Dated: September 28, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE