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12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
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15
 16 James M. Grogan,
 17 Plaintiff,
 18 v.
 19 United States of America,
 20 Defendant.
 21
 22

No. 2:15-CV-00562-JAM-KJN

**STIPULATION REGARDING TIME IN
 WHICH TO ANSWER PLAINTIFF'S
 THIRD AMENDED COMPLAINT**

23
 24 The parties respectfully request by Stipulation under L.R. 143 and 144 that the Court
 25 enter an Order setting the date of June 24, 2016, as the date on or before which Defendant United
 26 States of America must answer Plaintiff's third amended complaint, and relieving Defendant
 27 United States of America of its obligation to answer Plaintiff's second amended complaint. No
 28

1 extensions of time have been requested or granted with respect to Defendant United States of
2 America's answer to Plaintiff's third amended complaint.

3 On May 3, 2016, Plaintiff moved the Court for leave to amend his pleadings under Fed.
4 R. Civ. P. 15 and attached a copy of the proposed third amended complaint to his motion. The
5 motion is set for hearing on June 28, 2016. On June 8, 2016, Defendant United States of
6 America filed its notice of non-opposition to Plaintiff's motion to amend, which it had
7 previously advised Plaintiff it would oppose. The Federal Rules of Civil Procedure and Local
8 Rules of Practice for the United States District Court, Eastern District of California, do not
9 clearly provide a time in which to answer Plaintiff's third amended complaint under the
10 circumstances.
11

12
13 Additionally, the Court denied Defendant United States of America's motion to dismiss
14 Plaintiff's second amended complaint on June 3, 2016. Defendant United States of America is
15 technically required to answer the second amended complaint on June 17, 2016. In light of the
16 fact that Plaintiff wishes to supersede it with his third amended complaint, and Defendant does
17 not oppose Plaintiff's request for leave to do so, the parties agree it would be more efficient for
18 Defendant United States of America to answer the third amended complaint on or before June
19 24, 2016, with no requirement that it answer the second amended complaint.
20

21 SO STIPULATED:

22 Dated: June 16, 2016

U.S. DEPARTMENT OF JUSTICE

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25 By: /s/ Debra D. Fowler
26 DEBRA D. FOWLER
27 Senior Aviation Counsel, Torts Branch
28 Civil Division

1 Dated: June 16, 2016

HILDEBRAND, McLEOD & NELSON,
LLP

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3 By: /s/ Bradley W. Wahrlich
4 BRADLEY W. WAHRLICH
Counsel for Plaintiff

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6 **ORDER**

7 The foregoing stipulation is approved. Defendant United States of America shall file its
8 answer to Plaintiff's third amended complaint on or before June 24, 2016, and is not required to
9 answer Plaintiff's second amended complaint, which the third amended complaint supersedes.

10 IT IS SO ORDERED.

11 Dated: 6/16/2016

12
13 /s/ John A. Mendez
14 U. S. DISTRICT COURT JUDGE