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 14 *Employment Development Department*

15 UNITED STATES DISTRICT COURT
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA
 17 SACRAMENTO DIVISION

19 **LOAN PHAN,**
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 Plaintiff,
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 v.
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EDD (EMPLOYMENT DEVELOPMENT
DEPARTMENT),
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 Defendant.

2:16-cv-00256-KJM-CKD
JOINT STIPULATION AND ORDER
PERMITTING PLAINTIFF TO FILE A
THIRD AMENDED COMPLAINT;
DECLARATION OF VICKI E. CODY
 Complaint Filed: 2/10/2016
 Second Amended Complaint: 11/23/2016

26 Pursuant to Rule 137(c) and Rule 143 of the Local Rules of the United States District
 27 Court for the Eastern District of California, the parties hereby stipulate and agree, and request the
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1 Court allow, plaintiff Loan Phan to file a Third Amended Complaint by Wednesday, February 1,
2 2017, without need for defendant Employment Development Department to respond to plaintiff's
3 Second Amended Complaint by Wednesday, January 11, 2017, as previously stipulated and
4 ordered.

5 Following further meet and confer by the parties, including further investigation by
6 plaintiff's counsel, plaintiff's counsel is optimistic that one more amendment will eliminate
7 objections the defense has made during the parties' meet and confer process.

8 Currently the defense has a deadline of January 11, 2017, to file a responsive pleading to
9 the Second Amended Complaint. Though plaintiff's counsel is aware that Local Rule 137(c)
10 requires the Third Amended Complaint to be attached as an exhibit to this stipulation, plaintiff's
11 counsel will not have an opportunity to begin work on the Third Amended Complaint until the
12 week of January 23, 2017, due to other client commitments, as explained in the attached
13 declaration of plaintiff's counsel.

14 The parties are making a good faith effort to resolve pleading issues without the need for
15 motions in court. The parties are confident that permitting the filing of a Third Amended
16 Complaint will enable the litigation to go forward (either with an early resolution or lengthier
17 litigation).

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19 IT IS SO STIPULATED.
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Dated: January _5_, 2017

Respectfully submitted,
BOWMAN & ASSOCIATES

/s/ /s/
VICKI E. CODY
Attorneys for Plaintiff
Loan Phan

Dated: January __5__, 2017

Respectfully submitted,
KATHLEEN A. KENEALY
Acting Attorney General of California
SUSAN E. SLAGER
Supervising Deputy Attorney General

/s/
MARC B. KOENIGSBERG
Deputy Attorney General
Attorneys for Defendant
Employment Development Department

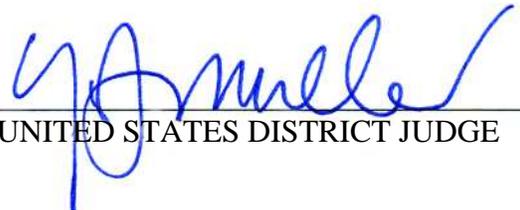
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ORDER

The Court, having considered the stipulation of the parties, hereby approves the stipulation and sets forth as follows: plaintiff Loan Phan shall file a Third Amended Complaint on or before February 1, 2017.

IT IS SO ORDERED.

DATED: January 6, 2017.


UNITED STATES DISTRICT JUDGE