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9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION

13  
 14 **MARIA AGUIRRE, as personal  
 representative of the Estate of JONATHAN  
 15 VELARDE,**

16 Plaintiff,

17 v.

18 **STATE OF CALIFORNIA; CALIFORNIA  
 19 DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION; CALIFORNIA  
 20 CORRECTIONAL CENTER; DONALD  
 MAYDOLE; and DOES 1 through 100,  
 21 inclusive,**

22 Defendants.

2:16-cv-01297-MCE-GGH

**STIPULATION TO EXTEND TIME FOR  
 DEFENDANTS TO FILE RESPONSIVE  
 PLEADING TO SECOND AMENDED  
 COMPLAINT; ORDER THEREON**

Action Filed: June 9, 2016

23  
 24 Plaintiffs Maria Aguirre and the Estate of Jonathan Velarde, and Defendants State of  
 25 California, California Department of Corrections and Rehabilitation, California Correctional  
 26 Center, and D. Maydole (collectively, the “Stipulating Parties”), through their undersigned  
 27 counsel, stipulate and request an order extending time to respond to the Second Amended  
 28 Complaint (SAC):

1           1. On September 29, 2017, the Court issued an order granting in part and denying in part  
2 Defendants' motion to dismiss the First Amended Complaint. (ECF No. 13.)

3           2. Plaintiffs filed the SAC on October 9, 2017 (ECF No. 23), making a response due  
4 October 23, 2017.

5           3. Defendants request an additional thirty days to file a responsive pleading to the SAC  
6 due to the unavailability of defense counsel, Maureen Onyeagbako. Defense counsel has had a  
7 number of pre-set and emergent assignments to address. These include work on a joinder to a  
8 motion to dismiss and supplemental memorandum of points and authorities in *Shabazz v. Beard*,  
9 No. 1:15-cv-00881-DAD-EPG (E.D. Cal.), filed October 16; initial disclosures and preparation of  
10 a joint status report in *Stacker v. CDCR*, No. 2:16-cv-2913-GHW (E.D. Cal.), due October 20; a  
11 reply brief in support of a motion to revoke plaintiff's *in forma pauperis* status in *Calloway v.*  
12 *Hayward*, No. 17-15244 (9th Cir.), due October 20; expert reports in *Benyamini v. Blackburn*,  
13 No. 2:13-cv-0205 MCE AC (E.D. Cal.), due October 24; Defendants' pretrial statement in  
14 *Benyamini*, due November 1; a scheduling conference appearance in *Joy v. Laszuk*, No. 1:16-cv-  
15 01652-LJO-EPG (E.D. Cal.) on November 1; a reply brief in support of the motion to dismiss in  
16 *Stacker*, due November 2; discovery responses in *Stacker*, due November 5; a settlement  
17 conference statement in *Jackson v. Sullivan*, No. 1:07-cv-00178-DAD-GSA (E.D. Cal.), due  
18 November 9; and a settlement conference appearance in *Jackson* on November 16. Ms.  
19 Onyeagbako was also out of the office and unavailable for a prearranged and prepaid conference  
20 with the State Bar on October 13, and will be out of the office November 2-3, for a prescheduled,  
21 prepaid meeting with the American Bar Association.

22           Additionally, Ms. Onyeagbako must assist with preparations for a hearing in *Coleman,*  
23 *et al., v. Brown, et al.*, Case No. 2:90-cv-00522-KJM-KJN (E.D. Cal.). *Coleman* is a long-  
24 running class action concerning mental-health care for California state prison inmates, in the  
25 remedial stage. The *Coleman* court ordered the parties to appear for a hearing on November 3,  
26 2017. (ECF No. 5610 at 11.) The presentation of evidence at the November hearing will be  
27 substantial and voluminous, including testimony from dozens of witnesses and over one hundred  
28

1 exhibits. The team of attorneys assigned to Coleman require additional assistance to prepare for  
2 the November 3 hearing, and I am currently assigned to assist with the hearing preparations.

3 4. Due to the aforementioned obligations and deadlines, defense counsel has not had an  
4 opportunity to confer with her clients and evaluate what type of responsive pleading to file. Thus,  
5 the Stipulating Parties agree that Defendants shall have an additional thirty days to file a  
6 responsive pleading to the SAC.

7 5. Based on the schedule of defense counsel, the Stipulating Parties agree that there is  
8 good cause to continue the deadline for filing a responsive pleading by thirty days, and request  
9 that the Court issue an order accordingly.

10 **SO STIPULATED.**

11 Dated: October 20, 2017

Respectfully submitted,

12 KAMALA D. HARRIS  
13 Attorney General of California  
14 JON S. ALLIN  
15 Supervising Deputy Attorney General

*/s/ Maureen C. Onyeagbako*

16 MAUREEN C. ONYEAGBAKO  
17 Deputy Attorney General  
18 *Attorneys for Defendants Maydole, State  
of California, California Department of  
Corrections and Rehabilitation, and  
California Correctional Center*

19 Dated: October 20, 2017

Respectfully submitted,


20 LARRY RABINEAU  
21 VIRGINIA NARIAN  
22 Law Offices of Larry Rabineau

*/s/ Virginia Narian  
(as authorized on October 19, 2017)*

23 VIRGINIA NARIAN  
24 *Attorneys for Plaintiffs*

25 **IT IS SO ORDERED.**

26 **Dated: October 23, 2017**

27   
28 MORRISON C. ENGLAND, JR.  
3 UNITED STATES DISTRICT JUDGE