

1 XAVIER BECERRA, State Bar No. 118517
 Attorney General of California
 2 CHRISTOPHER J. BECKER, State Bar No. 230529
 Supervising Deputy Attorney General
 3 JOANNA B. HOOD, State Bar No. 264078
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 210-7343
 6 Fax: (916) 324-5205
 E-mail: Joanna.Hood@doj.ca.gov
 7 *Attorneys for Defendants Kernan, Ventura, Goss,
 Moody, Fiori, Wilson, California Department of
 8 Corrections and Rehabilitation, Pfeiffer, and
 Phillips*

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

13
 14 **CATHY SIMPSON,**
 15
 Plaintiff,
 16
 v.
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CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
 18
 Defendants.
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2:17-CV-01590 TLN KJN
**STIPULATION FOR SEVEN-DAY
 EXTENSION OF TIME FOR
 DEFENDANTS TO RESPOND TO
 PLAINTIFF’S AMENDED COMPLAINT;
 ORDER**

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 22 Plaintiff Cathy Simpson and Defendants Secretary Kernan, Warden Pfeiffer, Sergeant
 23 Moody, Officers Wilson and Fiori, Counselors Ventura and Goss, Lieutenant Phillips, and
 24 CDCR, through their counsel, respectfully stipulate to a seven-day extension of time for
 25 Defendants to respond to Plaintiff’s amended complaint.

26 Defendants intend to file a motion to dismiss, and although the motion has been
 27 substantially drafted, more time is needed to complete it. The undersigned counsel for Plaintiff
 28 has agreed to this second extension of time for Defendants to file a motion to dismiss in order to

1 exercise professional courtesy to opposing counsel, and because the undersigned has broached the
2 subject to opposing counsel of Defendants forbearing from raising certain procedural issues in
3 their motion that do not go to the substantive issues in this case, and opposing counsel represented
4 to the undersigned that serious consideration would be given to this, including consideration of
5 the interests of judicial economy and the time of counsel and the Court. Specifically,
6 consideration will be given towards avoiding issues that result in what might be deemed a
7 needless expenditure of time on certain issues. For e.g., the Eleventh Amendment sovereign
8 immunity issue that Defendants previously raised in their original motion can be remedied easily
9 by filing a second case in state court. However, counsel agrees this would not advance the
10 interests of the parties or judicial efficiency. Neither side really wants to litigate two collateral
11 cases, in two separate venues. Consequently, counsel for Defendants represented to the
12 undersigned that, in view of the extension, consideration will be given towards forbearing from
13 raising that issue and potentially other such issues, with an eye towards conserving the time of
14 counsel and this Court, so such time can be reserved to litigate the merits of this case. Thus,
15 counsel will meet and confer over certain arguments, including, but not limited to, the Eleventh
16 Amendment sovereign immunity issue, and attempt to resolve them informally instead of in the
17 motion.

18 This would be Defendants' second extension of time. Defendants would respond to the
19 amended complaint on or before March 2, 2018.

1 Dated: February 23, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHRISTOPHER J. BECKER
Supervising Deputy Attorney General

/s/ Joanna B. Hood

JOANNA B. HOOD
Deputy Attorney General
*Attorneys for Defendants Kernan, Ventura,
Goss, Moody, Fiori, Wilson, California
Department of Corrections and
Rehabilitation, Pfeiffer, and Phillips*

11 Dated: February 23, 2018

Respectfully submitted,

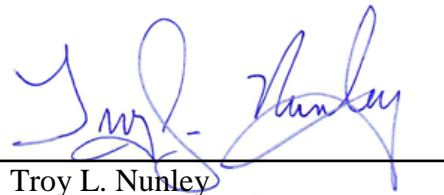
LAW OFFICE OF SANJAY S. SCHMIDT

/s/ Sanjay S. Schmidt* (as authorized on
02/23/2018)

SANJAY S. SCHMIDT
Attorney for Plaintiff Cathy Simpson

16 **IT IS SO ORDERED.**

18 Dated: February 28, 2018



Troy L. Nunley
United States District Judge

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* Pursuant to Local Rule 131(e), counsel has authorized submission of this document on counsel's
28 behalf.