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8 *Attorneys for Defendants State of California,*  
*California Department of Corrections and*  
*Rehabilitation, Brown, Kernan, and Baughman*  
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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION  
 13

14 **M.B. III, a minor, by and through his**  
 15 **Guardian Ad Litem, TITICE BEVERLY,**  
 16 **individually and as Successor in Interest**  
 17 **and Personal Representative of the Estate of**  
 18 **MILTON BEVERLY, JR., et al.,**

19 Plaintiffs,

20 v.

21 **STATE OF CALIFORNIA, et al.,**

22 Defendants.

No. 2:17-cv-02395 WBS-DB

**STIPULATION FOR PLAINTIFFS TO  
 AMEND THE COMPLAINT AND FOR  
 DEFENDANTS TO RESPOND TO THE  
 AMENDED COMPLAINT AND  
 PROPOSED ORDER**

Trial Date: None  
 Action Filed: November 14, 2017

23 Under Federal Rule of Civil Procedure 15(a)(1)(B) and Local Rule 143, the parties, through  
 24 their respective counsel of record, stipulate and agree that Plaintiffs will amend the complaint  
 25 within fourteen days of the Court approving this stipulation, and Defendants will respond to the  
 26 amended complaint within fourteen days of it being filed. Good cause exists to grant this  
 27 stipulation because it will avoid burdening the Court with a motion to dismiss and allow the  
 28 parties to correct the pleadings.

1 Defendants' response to the complaint is due January 17, 2018. (See ECF No. 6.) After  
2 having an opportunity to review and analyze the complaint, counsel for Defendants informed  
3 Plaintiffs' attorney of her intent to file a motion to dismiss under Federal Rule of Civil Procedure  
4 12(b)(6) on various grounds. After consideration, Plaintiffs' attorney agreed that some of the  
5 grounds for the intended dismissal motion had merit, and Plaintiffs seek to cure the defects in the  
6 complaint. The parties agree that, under Rule 15(a)(1)(B), Plaintiffs have the right to amend the  
7 pleading once as a matter of course. However, to avoid burdening the Court with a motion to  
8 dismiss and to conserve judicial resources, the parties agree that Plaintiffs should amend the  
9 complaint before Defendants are required to respond to the pleading.

10 Accordingly, the parties agree and stipulate that Plaintiffs will file their amended complaint  
11 within fourteen days of the Court approving this stipulation, and that Defendants will respond to  
12 the amended complaint no later than fourteen days after it is filed.

13 IT IS SO STIPULATED.

14 Dated: January 17, 2018

Respectfully submitted,

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

18 */s/ Diana Esquivel*

19 DIANA ESQUIVEL  
20 Deputy Attorney General  
*Attorneys for Defendants*

21  
22 Dated: January 17, 2018

GLICKMAN & GLICKMAN  
A LAW CORPORATION

23  
24 */s/ Nicole E. Hoikka* (as authorized 1/17/18)

25 STEVEN C. GLICKMAN  
26 NICOLE E. HOIKKA  
*Attorneys for Plaintiffs*

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**ORDER**

Good cause appearing, the parties' stipulation to amend the complaint and to respond to the pleading is GRANTED. Plaintiffs shall file their amended complaint no later than fourteen days from the date of this order. Defendants' response to the pleading shall be due no later than fourteen days after the amended complaint is filed.

IT IS SO ORDERED.

Dated: January 18, 2018

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE