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8 Kernan, California Department of Corrections and
Rehabilitation, and California Correctional Health
9 Care Services*

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
14

15 **RICHARD L. BAYSE; MICHAEL R.
16 CONROY; MATTHEW J. HEATH;
DANIEL KAHAKU; OSCAR MACHADO;
17 BRANDON W. RACKLIFFE; RAPHAEL
SANCHEZ; DAVID D. RICHARDS;
18 LARRY SMITH; ANDREI BELEI;
MIGUEL E. VASQUEZ; GEOFFREY T.
19 BROWN; FRANK A. FELIX; ANDREW
W. GRAY; MIKEY D. JOHNSON;
20 RANDALL W. ROY; JAMES C.
STRINGER; and DANIEL VALENCIA,**

21 Plaintiffs,

22 v.

23 **CALIFORNIA DEPARTMENT OF
24 CORRECTIONS AND
REHABILITATION; J. CLARK KELSO,
25 Receiver; CALIFORNIA
CORRECTIONAL HEALTH CARE
26 SERVICES; SCOTT KERNAN; DIANA
TOCHE; and DOES 1 to 100,**

27 Defendants.
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2:18-cv-00278-MCE-DB

**STIPULATION AND ORDER TO
EXTEND THE HEARING DATE ON
MOTIONS TO DISMISS**

[L.R. 230(f)]

Judge: Hon. Deborah Barnes

1 Defendants Diana Toche, Scott M. Kernan, California Department of Corrections and
2 Rehabilitation, and California Correctional Health Care Services, and J. Clark Kelso filed
3 Motions to Dismiss the Complaint filed by Plaintiffs. (ECF Nos. 16, 17.) The hearing on
4 Defendants' Motions to Dismiss is currently set for August 3, 2018, at 10:00 a.m. before the
5 Honorable Deborah Barnes. (ECF Nos. 23, 24.) The parties are discussing settlement and wish
6 to continue the hearing in this matter to October 5, 2018, or a later date convenient to the Court's
7 calendar.

8 The parties, through their respective counsel of record, stipulate under Local Rule 230(f) to
9 continue the hearings on Motions to Dismiss (ECF Nos. 16, 17), to October 5, 2018, or a later
10 date convenient to the Court's calendar.

11
12 Dated: July 18, 2018 By: /s/ MARTIN H. DODD
13 Martin H. Dodd,
14 Futterman, Dupree, Dodd, Croley, Maier,
15 Attorneys for J. CLARK KELSO

16 Dated: July 18, 2018 By: /s/ CHRISTOPHER H. FINDLEY
17 Christopher H. Findley, Deputy Attorney General
18 Counsel for Defendants CDCR, CCHCS, SCOTT
19 KERNAN, AND DIANA TOCHE

20 Dated: July 18, 2018 By: /s/ MARK E. MERIN
21 Mark E. Merin
22 Law Office of Mark E. Merin, Attorneys for
23 RICHARD L. BAYSE; MICHAEL R. CONROY;
24 MATTHEW J. HEATH; DANIEL KAHAKU;
25 OSCAR MACHADO; BRANDON W.
26 RACKLIFFE; RAPHAEL SANCHEZ; DAVID D.
27 RICHARDS; LARRY SMITH; ANDREI BELEI;
28 MIGUEL E. VASQUEZ; GEOFFREY T.
BROWN; FRANK A. FELIX; ANDREW W.
GRAY; MIKEY D. JOHNSON; RANDALL W.
ROY; JAMES C. STRINGER; and DANIEL
VALENCIA

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Dated: July 18, 2018

By: /s/ FRED J. HIESTAND
Fred J. Hiestand
Fred J. Hiestand, a Professional Corporation,
Attorneys for RICHARD L. BAYSE; MICHAEL
R. CONROY; MATTHEW J. HEATH; DANIEL
KAHAKU; OSCAR MACHADO; BRANDON W.
RACKLIFFE; RAPHAEL SANCHEZ; DAVID D.
RICHARDS; LARRY SMITH; ANDREI BELEI;
MIGUEL E. VASQUEZ; GEOFFREY T.
BROWN; FRANK A. FELIX; ANDREW W.
GRAY; MIKEY D. JOHNSON; RANDALL W.
ROY; JAMES C. STRINGER; and DANIEL
VALENCIA

I hereby attest that all other signatories listed on this document, and on whose behalf the filing is submitted, concur in the filing's content and have authorized this filing.

Dated: July 18, 2018

By: /s/ CHRISTOPHER H. FINDLEY
Christopher H. Findley, Deputy Attorney General
Counsel for Defendants CDCR, CCHCS, SCOTT
KERNAN, AND DIANA TOCHE

ORDER

The Court has reviewed the parties' Stipulation to Extend the Hearing Date on Motions to Dismiss. Good cause appearing, the hearing on Defendants' Motions to Dismiss (ECF Nos. 16, 17) is continued to October 5, 2018 at 10:00 a.m. in courtroom #27.

IT IS SO ORDERED.

DATED: July 18, 2018

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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DB/prisoner-civil rights/bays0278.mtd hrg eot