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9 *Heatley, J. Johnson, R. Johnson, Kernan, Leidner,*
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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE EASTERN DISTRICT OF CALIFORNIA
20 SACRAMENTO DIVISION
21

23 **THOMAS SCHMITZ, et al.,**

24 Plaintiffs,

25 v.

26 **A. ASMAN, et al.,**

27 Defendants.
28

2:20-cv-00195-JAM-CKD

**STIPULATION AND ORDER
CONTINUING HEARINGS ON
DEFENDANTS' MOTIONS TO DISMISS**

Judge: The Honorable Carolyn K.
Delaney
Trial Date: Not Scheduled
Action Filed: January 27, 2020

1 In accordance with Local Rules 144, 143, and 230(f), Plaintiffs Thomas J. Schmitz and
2 Dianne Mallia (“Plaintiffs”), and Defendants Adams, Ashe, Andaluz, Asman, Bradley, Branman,
3 Brizendine, Brockenborough, Brunkhorst, CDCR, Ceballos, Diaz, Gipson, Heatley, J. Johnson,
4 R. Johnson, Kernan, Leidner, Ponciano, Ramkumar, Rekart, Robinson, Rudas, C. Smith, M.
5 Smith, Tebrock, Toche, Wanie, Kuich, Lizarraga, and DeNigris (“Defendants”) (collectively
6 “The Parties”) stipulate and agree to continue the hearings on Defendants’ motions to dismiss the
7 Second Amended Complaint (ECF Nos. 63, 64, 65, 68) currently scheduled for September 30,
8 2020, to October 28, 2020, at 10:00 a.m.

9 The Parties agree that good cause exists for the continuance because Plaintiffs need
10 additional time to oppose Defendants’ motions to dismiss.

11 This is the first stipulation between the Parties to continue the hearings on Defendants’
12 motions to dismiss.

13 IT IS SO STIPULATED.

14 Dated: September 3, 2020

/S/ Thomas J. Schmitz

Thomas J. Schmitz, Plaintiff

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17 Dated: September 3, 2020

/S/ Dianne Mallia

Dianne Mallia, Plaintiff

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19
20 Dated: September 4, 2020

/S/ Jennifer J. Nygaard

Jennifer J. Nygaard

Deputy Attorney General

21 *Attorney for Defendants Adams, Ashe, Andaluz, Asman,*
22 *Bradley, Branman, Brizendine, Brockenborough,*
23 *Brunkhorst, CDCR, Ceballos, Diaz, Gipson, Heatley, J.*
24 *Johnson, R. Johnson, Kernan, Leidner, Ponciano,*
25 *Ramkumar, Rekart, Robinson, Rudas, C. Smith, M.*
Smith, Tebrock, Toche, and Wanie

26 Dated: September 4, 2020

/S/ Michael Terhorst

Michael Terhorst

27 *Attorney for Defendants Kuich and Lizarraga*
28

1 Dated: September 4, 2020

/s/ Vanessa Raven

Vanessa Raven

Attorney for Defendant DeNigris

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3
4 **ORDER**

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6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7 Dated: September 8, 2020



CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

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