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7 Attorneys for DEFENDANTS:
TRACY UNIFIED SCHOOL DISTRICT & BRIAN STEPHENS

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 CHRISTOPHER CRONE,)

12 Plaintiff,)

14 v.)

15 TRACY UNIFIED SCHOOL DISTRICT and)
16 BRIAN STEPHENS, an individual,)

17 Defendants.)

CASE NO. 2:20-cv-01451-JAM-AC

**STIPULATION AND ORDER
EXTENDING DEADLINE FOR
DEFENDANT TRACY UNIFIED
SCHOOL DISTRICT TO FILE
RESPONSIVE PLEADING TO FIRST
AMENDED COMPLAINT PURSUANT
TO LOCAL RULE 144(a)**

Complaint Filed: July 20, 2020
Trial Date: None Set

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1 Pursuant to Local Rule 144, Plaintiff CHRISTOPHER CRONE (“Plaintiff”), by and
2 through his attorneys of record, and Defendant TRACY UNIFIED SCHOOL DISTRICT
3 (“TUSD”), by and through its attorney of record, hereby stipulate to an extension of time for
4 TUSD to file its responsive pleading to Plaintiff’s First Amended Complaint (“FAC”) as follows:

5 **RECITALS**

6 1. Plaintiff filed this action on July 20, 2020. Following the filing and service of the
7 Complaint and against TUSD and Defendant Brian Stephens (“Dr. Stephens”) (hereinafter
8 collectively referred to as “Defendants”), Defendants’ counsel met and conferred with Plaintiff’s
9 counsel regarding a potential motion to dismiss. While the parties were able to resolve some
10 issues, there was a remaining unresolved issue regarding Dr. Stephens. The parties agreed that
11 Plaintiff would file an amended complaint addressing the issues that were resolved through the
12 meet and confer.

13 2. The parties previously filed a stipulation to extend Defendants’ time to respond to
14 the Complaint for twenty-eight days to September 25, 2020, in order to allow time to meet and
15 confer as stated above.

16 3. Plaintiff filed his FAC on September 25, 2020. Defendants’ deadline to file a
17 responsive pleading to the FAC is October 9, 2020.

18 4. While Defendants’ counsel will file a motion to dismiss on behalf of Dr. Stephens
19 on October 9, 2020, a motion to dismiss will not be filed on behalf of TUSD as the matters
20 addressed through meet and confer regarding TUSD were resolved through the filing of the
21 TAC. The parties wish to avoid the unnecessary filing of multiple answers, as a single answer to
22 the FAC can be filed on behalf of both defendants if Dr. Stephens’ motion to dismiss is not
23 granted. The parties also wish to avoid the necessity of TUSD filing an answer to the FAC and
24 then having to file another answer to a further amended complaint if Plaintiff is given leave to
25 amend as to Dr. Stephens. Accordingly, the parties agree that TUSD should be granted
26 additional time to file its answer to the FAC.

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5. As stated above, there was one previous stipulated extension of time with respect to the responsive pleading to the original Complaint; no extensions of time have been sought with respect to the FAC.

STIPULATION

Based on the foregoing, **IT IS HEREBY STIPULATED AND AGREED**, by and between Plaintiff and TUSD, as follows:

The deadline for TUSD to file its answer to the FAC should be extended to either the same date Dr. Stephens' answer is due in the event Dr. Stephens' motion to dismiss is denied or to the date that is ten (10) days after the date of the Order on Dr. Stephens' motion to dismiss in the event Dr. Stephens' motion to dismiss is granted. If Plaintiff is given leave to amend, the deadline for filing responsive pleadings on behalf of both defendants shall be governed by Rule 15(a)(3) of the Federal Rules of Civil Procedure.

Dated: October 9, 2020
JOHNSON SCHACHTER & LEWIS
A Professional Law Corporation

/s/ Kellie M. Murphy
KELLIE M. MURPHY

Dated: October 9, 2020
LEIGH LAW GROUP, P.C.

/s/ Jay T. Jambeck (authorized on 10/9/20)
JAY T. JAMBECK

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ORDER

PURSUANT TO THE STIPULATION AND GOOD CAUSE APPEARING,

Defendant Tracy Unified School District’s time to file its answer to Plaintiff’s First Amended Complaint is extended to either the same date Dr. Stephens’ answer is due in the event Dr. Stephens’ motion to dismiss is denied or to the date that is ten (10) days after the date of the Order on Dr. Stephens’ motion to dismiss in the event Dr. Stephens’ motion to dismiss is granted. If Plaintiff is given leave to amend, the deadline for filing responsive pleadings on behalf of both defendants shall be governed by Rule 15(a)(3) of the Federal Rules of Civil Procedure.

DATED: October 9, 2020

/s/ John A. Mendez

**THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE**