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16 **IN THE UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN FRANCISCO DIVISION**

19 **ANDREW LANCASTER, et al.,**

**Plaintiffs,**

21 **v.**

22 **MATTHEW CATE, et al.,**

**Defendants,**

23 **FREDDIE FUIAVA,**

**Intervenor.**

**Case No. C 79-01630 WHA**

**STIPULATION AND REQUEST  
 OF COUNSEL TO EXTEND  
 DEADLINE FOR FILING OF  
 REPORT AND  
 RECOMMENDATION BY  
 MAGISTRATE JUDGE  
 NANDOR J. VADAS;  
 [PROPOSED] ORDER**

27 On January 14, 2009, Defendants' motion to modify the April 2, 2008 stipulation was  
 28 referred to Magistrate Judge Nandor J. Vadas for a report and recommendation to be completed

Stip. EOT Magistrate R&R; Order

*Lancaster, et al. v. Cate, et al.*  
 Case No. C 79-01630 WHA

1 within fourteen days of the date of the order. (Docket No. 1583.)

2 In furtherance of the order of referral, on January 23, 2009, Magistrate Judge Vadas  
3 visited the East Block housing unit at San Quentin, along with Plaintiffs' counsel Steven Fama,  
4 Defendants' counsel Julianne Mossler, Deputy Attorney General Emily Brinkman, Warden  
5 Robert Wong, Chief Deputy Warden Max Lemon, Associate Warden Donald Dacanay, Captain  
6 Ben Grundy, Lieutenant John Arnold, and other prison staff members. At the conclusion of the  
7 inspection, Magistrate Judge Vadas and Plaintiffs' counsel asked to be provided with the  
8 following documents relating to living conditions in East Block:

- 9 1. East Block Sanitation Officer's Reports from July 2008 to present;
- 10 2. Vector Control logs from July 2008 to present;
- 11 3. Counseling/disciplinary reports re noise in East Block from July 2008 to present;
- 12 4. Inmate Appeals concerning noise in East Block from July 2008 to present;
- 13 5. The re-issued memorandum concerning standards for noise in East Block;
- 14 6. Inmate Appeals concerning sanitation in East Block from July 2008 to present;
- 15 7. A current Post Order for an East Block tier officer;
- 16 8. Counseling/disciplinary reports for water on the tiers from July 2008 to present;
- 17 9. Work orders for taking the showers off-line from July 2008 to present;
- 18 10. All public health alerts or other documents issued since July 2008 regarding rodents  
19 in East Block, all non-medical documentation (including 7219 forms) regarding rodent  
20 bites in that unit, and any documents or information regarding the presence of rabid  
21 rodents in the unit; and
- 22 11. Photographs taken in the East Block housing unit on January 23, 2009 at the request  
23 of Magistrate Judge Vadas.

24 Defendants have agreed to provide copies of the above-listed documents, to the extent  
25 they exist, to Magistrate Judge Vadas and to Plaintiffs' counsel.

26 It is agreed that the documents will aid Magistrate Judge Vadas in his evaluation of  
27 current conditions in East Block. It is also agreed that collection and review of the above-listed  
28 documents will take more time than is presently allowed under the January 14th order.

Counsel for Plaintiffs and counsel for Defendants therefore stipulate and jointly request that the deadline within which Magistrate Judge Vadas must submit his report and recommendation be extended up to and including February 20, 2009. Any objections to the report and recommendation will be filed not later than March 13, 2009.

Respectfully submitted,

Dated: January 28, 2009

The Prison Law Office  
DONALD SPECTER  
STEVEN FAMA  
ZOE SCHONFELD

By: /s/ Steven Fama  
STEVEN FAMA

Dated: January 28, 2009

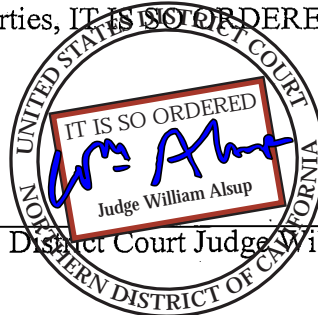
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JULIANNE MOSSLER  
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Attorneys for Defendants Cate and Wong

In accordance with the stipulation of the parties, ~~IT IS SO ORDERED.~~

Dated: January 29, 2009



United States District Court Judge William H. Alsup

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Lancaster, et al. v. Cate, et al.**

No.: **C 79-01630 WHA**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 28, 2009, I served the attached

**STIPULATION AND REQUEST OF COUNSEL TO EXTEND DEADLINE  
FOR FILING OF REPORT AND RECOMMENDATION BY  
MAGISTRATE JUDGE NANDOR J. VADAS; [PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Charles F. A. Carbone, Esq.**  
**Attorney at Law**  
**Law Offices of Charles Carbone**  
**468 Jackson Street, 3<sup>rd</sup> Floor**  
**San Francisco, CA 94111**  
**Attorney for Freddie Fuiava**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 28, 2009, at San Francisco, California.

L. Santos

Declarant



Signature