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8 OSCAR GATES

9 UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11  
12 COLLEEN MARY ROHAN, ex rel. OSCAR GATES,  
13 Petitioner,

14 v.

15 KEVIN CHAPPELL,  
16 Warden, California State Prison at San Quentin,  
17 Respondent.

**C88-2779 WHA**  
**DEATH PENALTY CASE**

PARTIES' STIPULATION  
AND ~~PROPOSED~~  
ORDER  
(N.D.L.R. 5-1(i)(3), 7-11,  
7-12)

18  
19 TO: THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT JUDGE;  
20 GREGG ZYWICKE AND GLENN PRUDEN, DEPUTY ATTORNEYS GENERAL; AND  
21 TO RICHARD W. WIEKING, CLERK OF THE UNITED STATES DISTRICT COURT:

22 Pursuant to Northern District Local Rules, Rules 7-11 and 7-12, and the Court's May  
23 16, 2013, Order, the parties hereby present this stipulation and proposed Order.

24 On May 16, 2013, this Court issued an Order, see Doc. 594, requiring that within  
25 seven days, i.e., May 23, 2013, the parties meet and confer regarding record-based claims in  
26 the petition, and to either submit a list of ten claims most appropriate for adjudication at this  
27 time, or, if in disagreement, each side to submit a separate list to the Court. Doc. 594, at  
28 1:17-20.

1 The parties have communicated by e-mail several times, initially scheduled a meet and  
2 confer session for May 21, 2013 and have tentatively deferred that meet and confer session to  
3 a day to be determined during the week of May 27, 2013. Respondent's counsel have  
4 completed their review, believe that all the claims are record based and are open to discussing  
5 which ten claims are most appropriate for current litigation. Petitioner's counsel have worked  
6 diligently but have not completed their review of the petition and record, due both to the  
7 record's complexity and obligations in other cases both capital and non-capital.

8 Petitioner's counsel therefore seek a seven day extension of time, i.e., through and  
9 including May 30, 2013, for petitioner to complete their review, the parties to meet and confer  
10 and either to file a joint pleading or separate pleadings responding to the Court's Order.

11 Respondent's counsel has no opposition to this request and stipulates to the Court  
12 granting it. Per N.D. Local Rules, rule 5-1 (i) (3), I attest that concurrence in the filing of  
13 the document has been obtained from each of the other signatories listed below.

14 Petitioner will be glad to submit a more detailed showing if the Court finds that  
15 appropriate. There have been no prior requests to extend the date and the time requested is  
16 relatively brief.

17 Per N.D. Local Rules, rule 7-12, a proposed Order is provided on the following page.

18 **STIPULATION**

19 It is so stipulated.

20 DATED: May 23, 2013

21 /s/ Gregg Zywicke  
22 GREGG ZYWICKE  
23 GLENN PRUDEN  
24 Deputy Attorneys General,  
25 Counsel for Respondent

26 It is so stipulated.

27 DATED: May 23, 2013

28 /s/ Tim Brosnan  
WILLIAM L. OSTERHOUDT  
TIM BROSINAN  
Counsel for Petitioner,  
OSCAR GATES

~~(Proposed)~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 23, 2013



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HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE