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9 Attorneys for Petitioner,
 10 OSCAR GATES

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 COLLEEN MARY ROHAN, ex rel. OSCAR GATES,

15 Petitioner,

16 v.

17 KEVIN CHAPPELL,
 18 Warden, California State Prison at San Quentin,

19 Respondent.

C88-2779 WHA - LB

DEATH PENALTY CASE

PARTIES' STIPULATION
 RE: BRIEFING SCHEUDLE
 ON MOTION FOR
 TRANSFER AND
 RESTORATION;
 NDLR 5-1(i)(3), 7-11, 7-12;
 DEC. 18, 2013 HEARING
 DATE UNAFFECTED

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

24 Pursuant to Northern District Local Rules, Rules 7-11 and 7-12, the parties hereby present
 25 this stipulation and declaration.

26 On October 23, 2013, petitioner filed a motion for transfer to an appropriate psychiatric
 27 facility and restoration to competency, see Doc. 617, which stated it was drafted with the
 28 understanding that it would be non-controversial. *Id.*, at 3:25 – 4:2. Subsequently, it became

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apparent that the motion was controversial. See November 6, 2013, Opposition To Motion For Restoration And Transfer, Doc. 621; and November 6, 2013, Opposition To Motion For Restoration And Transfer, Doc. 623.

On November 14, 2013, the parties submitted a stipulation and proposed order extending the time for petitioner to file his reply brief through November 21, 2013, Doc. 625. On November 15, 2013, this Court signed the proposed Order, so extending the time. Doc. 626.

Counsel for the parties have communicated regarding these matters by e-mail, on November 19 and 20, 2013, in the context of the settlement proceedings. In light of the controversy, petitioner seeks to supplement his showing in support of the motion and counsel for respondents seek to address any such showing in the context of the motion for transfer before this Court, rather than in the context of the settlement conference proceedings.

On November 20, 2013, petitioner's co-counsel, Tim Brosnan, exchanged e-mails with respondent's co-counsel, Glenn Pruden and Amber Wipfler, and advised of this request. Mr. Pruden and Ms. Wipfler authorized petitioner to represent that respondent's counsel have no opposition to this request and stipulate to the Court granting it. Per N. D. Local Rules, rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other signatories listed below.

Petitioner will be glad to submit a more detailed showing if the Court finds that appropriate. There was one prior stipulated request to extend time for filing of petitioner's reply brief, which the Court granted, as described above. This request does not affect the hearing date.

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

STIPULATION

The parties stipulate to the court entering an Order, allowing: petitioner to file a supplement to his motion with accompanying support including a declaration by William L. Osterhoudt by Wednesday, November 27, 2013; counsel for respondents to file any opposition(s) to that supplement by Friday, December 6, 2013; petitioner to file any reply by Friday, December 13, 2013. The Case Management Conference will proceed as scheduled on December 18, 2013. Petitioner's reply brief which is currently scheduled for filing on Thursday, November 21, is vacated.

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It is so stipulated.

DATED: November 21, 2013

(By) /s/ Glenn Pruden
GREGG ZYWICKE
GLENN PRUDEN
Deputy Attorneys General,
Counsel for Respondent

It is so stipulated.

DATED: November 21, 2013

(By) /s/ Amber Wipfler
AMBER WIPFLER,
Deputy Attorney General,
Counsel for Respondent

It is so stipulated.

DATED: May 30, 2013

(By) /s/ William L. Osterhoudt
WILLIAM L. OSTERHOUDT
TIM BROSNAN
Counsel for Petitioner,
OSCAR GATES

(Proposed) ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 25, 2013



HONORABLE WILLIAM H. ALSUP

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