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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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6 DEANNA L. FREITAG,

7 Plaintiff,

8 v.

9 CALIFORNIA DEPARTMENT OF  
10 CORRECTIONS, et al.,

11 Defendants.

NO. C00-2278 TEH

ORDER GRANTING EXTENSION  
OF TIME RE: DEFENDANT'S  
MOTION TO TERMINATE  
INJUNCTION; ORDER OF  
REFERRAL

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13 Defendant California Department of Corrections and Rehabilitation (“CDCR”) has  
14 filed a motion to terminate the injunction or, alternatively, to modify the injunction-  
15 monitoring process. Plaintiff Deanna Freitag has requested an extension in the briefing and  
16 hearing schedule, which the CDCR opposes. The Court GRANTS Freitag’s request as  
17 discussed below.

18 Freitag’s counsel has been monitoring the injunctive relief in this case since 2004, and  
19 the Court generally agrees with the CDCR that the injunction does not contemplate  
20 additional discovery. Freitag’s counsel requests additional time “to evaluate whether there is  
21 significant evidence of non-compliance that would support the Court’s decision to continue  
22 or modify the injunction,” Pl.’s Admin. Mot. to Enlarge Time at 2, but the CDCR makes the  
23 legitimate point that it is the monitoring process itself that should reveal any problems with  
24 the injunctive relief. The CDCR further correctly observes that it may be duplicative and  
25 unnecessary to have yet another associate attorney bring herself up to speed on this case

26 Nonetheless, the Court will not dictate how Freitag’s counsel should manage her  
27 caseload or allocate her resources. However, any time spent opposing the CDCR’s motion  
28 will not be automatically compensable as monitoring fees, and Freitag’s counsel will bear the

1 burden of demonstrating entitlement to any fees and costs she might claim for opposing the  
2 motion, including any time spent by an associate attorney.

3 The following shall be the schedule on the CDCR's pending motion:

4 1. Freitag shall file her opposition or statement of non-opposition on or before  
5 **August 27, 2012.**

6 2. The CDCR shall file its reply on or before **September 7, 2012.**


7 3. The hearing shall occur on **September 24, 2012, at 10:00 AM.**

8 IT IS FURTHER ORDERED that all discovery disputes in this case are referred to  
9 Magistrate Judge Jacqueline Scott Corley.

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**IT IS SO ORDERED.**

Dated: 06/06/12

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT