

1 SEYFARTH SHAW LLP  
 Francis J. Ortman (SBN 213202) fortman@seyfarth.com  
 2 Ari Hersher (SBN 260321) ahersher@seyfarth.com  
 Matthew J. Mason (SBN 271344) mmason@seyfarth.com  
 3 Courtney K. Bohl (SBN 278812) cbohl@seyfarth.com  
 560 Mission Street, 31st Floor  
 4 San Francisco, California 94105  
 Telephone: (415) 397-2823  
 5 Facsimile: (415) 397-8549

6 Attorneys for Plaintiff  
 JOHN TIMOTHY PEREZ

7  
 J. RANDALL ANDRADA (SBN 70000)  
 8 randrada@andradalaw.com  
 MATTHEW W. ROMAN (SBN 267717)  
 9 mroman@andradalaw.com  
**ANDRADA & ASSOCIATES**  
**PROFESSIONAL CORPORATION**  
 10 180 Grand Avenue, Suite 225  
 11 Oakland, California 94612  
 Tel.: (510) 287-4160  
 12 Fax: (510) 287-4161

13 Attorney for Defendant  
 DUC NGUYEN, M.D.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 JOHN TIMOTHY PEREZ,  
 18 Plaintiff,  
 19 v.  
 20 D. NGUYEN, et al.  
 21 Defendants.

Case No.: 3:09-cv-04939-JSW

**JOINT STIPULATION AND  
 [PROPOSED] ORDER TO EXTEND  
 PERIOD TO FILE ACCEPTANCE OR  
 DECLINATION OF MAGISTRATE  
 JUDGE**

Action Filed: October 16, 2009

24 Pursuant Civil Local Rules 7-12 of the United States District Court for the Northern District  
 25 of California, the Parties to the above entitled action, Dr. Duc Nguyen (“Defendant”) and John  
 26 Timothy Perez (“Plaintiff”) (collectively referred to as the “Parties”), by and through their  
 27 undersigned counsel, hereby stipulate and agree as follows:  
 28

1 WHEREAS, on January 25, 2013, the Court ordered the Parties to submit a joint consent or  
2 declination for reassignment to a Magistrate Judge for all purposes by February 1, 2013.

3 WHEREAS, Counsel for both parties have contacted their client inquiring about whether to  
4 accept or decline reassignment to a Magistrate Judge.

5 WHEREAS, Plaintiff currently resides in Pelican Bay State Prison, and is unable to  
6 communicate with Counsel, other than via U.S. Mail.

7 WHEREAS, at this time, Plaintiff's counsel has been unable to adequately confer with their  
8 Plaintiff regarding whether to consent to or decline reassignment to a Magistrate Judge.

9 WHEREAS, the Parties request a two-week extension to file a joint consent or declination for  
10 reassignment to a Magistrate Judge for all purposes.

11 **THEREFORE, THE PARTIES HERETO STIPULATE AND RESPECTFULLY**  
12 **REQUEST THAT THE COURT ORDER** that the February 1, 2013 deadline to file a joint consent  
13 or declination for reassignment to a Magistrate Judge be continued to February 15, 2013.

14  
15 DATED: February 1, 2013

SEYFARTH SHAW LLP

16  
17 By \_\_\_\_\_/s/  
Francis Ortman, Esq.  
18 Ari Hersher, Esq.  
Matthew Mason, Esq.  
19 Courtney Bohl, Esq.

20 Attorneys for Plaintiff  
John Timothy Perez

21  
22  
23 Dated: February 1, 2013

ANDRADA & ASSOCIATES

24  
25 By \_\_\_\_\_/s/  
MATTHEW W. ROMAN  
26 Attorney for Defendant  
DUC NGUYEN, M.D.

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**PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:**

The February 1, 2013 deadline to file a joint consent or declination for reassignment to a Magistrate Judge is hereby continued to February 15, 2013.

**IT IS SO ORDERED.**

Dated: February 4, 2013 \_\_\_\_\_

  
\_\_\_\_\_  
Honorable Judge Jeffrey S. White  
United States District Judge

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