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15 *Attorneys for Plaintiff*
 16 *REYNALDO AYALA*

17 UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 REYNALDO AYALA,
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 21 Plaintiff,
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 23 v.
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 25 ROBERT AYERS, JR., et al.,
 26
 27 Defendants.

Case No.: C 10-0979 JSW (PR)

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING
 PLAINTIFF'S FILING OF FIRST
 AMENDED COMPLAINT**

1 This Stipulation and Proposed Order is entered into by and among the parties to
2 the above-captioned action.

3 **WHEREAS**, on or about March 8, 2010, Plaintiff Reynaldo Ayala filed pro se a
4 complaint in the United States District Court for the Northern District of California (Docket No.
5 1);

6 **WHEREAS**, on April 13, 2012, the Court appointed pro bono counsel to
7 represent Plaintiff (Docket No. 38);

8 **WHEREAS**, Plaintiff, through his recently appointed pro bono counsel, intends
9 to file a first amended complaint and Defendants consent to that filing (*see* Docket No. 41 at 6);

10 **WHEREAS**, at the Initial Case Management Conference held on June 15, 2012,
11 the Court ordered Plaintiff to prepare and file a stipulation and proposed order regarding the
12 filing of a first amended complaint, in lieu of a motion for leave to amend the initial complaint;

13 The parties agree as follows and request that the Court enter an Order approving
14 this Stipulation:

15 1. Plaintiff in the above-captioned case shall file a first amended complaint on or
16 before June 22, 2012.

17 2. This Stipulation concerning the filing of a first amended complaint does not alter
18 the July 27, 2012 deadline that the Court has established for Plaintiff to file a motion for leave to
19 file a further amended complaint to add Nurse Edmonds as a defendant.

20 3. Neither this Stipulation concerning the filing of a first amended complaint nor
21 the July 27, 2012 deadline for any motion for leave to amend the complaint to add Nurse
22 Edmonds shall foreclose Plaintiff from seeking leave to otherwise further amend the pleadings
23 based on information obtained during discovery and his new counsel's investigation, which is
24 ongoing. As set forth in the parties' June 8, 2012 Joint Case Management Statement and
25 [Proposed] Order (Docket No. 41), the final deadline for any such further amendment of the
26 pleadings shall be September 14, 2012, and any further amendment may be offered only upon a
27 showing of good cause.

28 **IT IS SO STIPULATED.**

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Dated: June 20, 2012

By: /s/ Deanna L. Kwong
Deanna L. Kwong
COVINGTON & BURLING LLP
Attorneys for Plaintiff Reynaldo Ayala

Dated: June 20, 2012

By: /s/ Erin Sullivan
Erin B. Sullivan
Deputy Attorney General
*Attorney for Defendants Wagner, Schlosser,
Hansen, Guthrie, and Faaita*

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from all signatories.

IT IS SO ORDERED.

Dated: June 21, 2012

By: 
JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE