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 7 *Attorneys for State Defendants*

8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 **GERALD S. RIGHETTI,**  
 13  
 Plaintiff,  
 14  
 v.  
 15  
 16 **CALIFORNIA DEPARTMENT OF CORRECTIONS**  
**AND REHABILITATION ET AL.,**  
 17  
 Defendants.  
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CV 11-2717 EMC  
**STIPULATION AND REQUEST TO  
 EXTEND TIME FOR STATE  
 DEFENDANTS TO RESPOND TO  
 PLAINTIFF'S SECOND AMENDED  
 COMPLAINT ; ORDER**  
 Courtroom: 5 (17th Floor)  
 Judge: Hon. Edward M. Chen  
 Trial Date: None Set  
 Action Filed: June 6, 2011

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1 Pursuant to Local Rules 6-1(b) and 6-2, Plaintiff Gerald S. Righetti and the State  
2 Defendants<sup>1</sup> by and through their counsel hereby stipulate to and request that the State  
3 Defendants have until fourteen days after the parties' next Case Management Conference  
4 (currently set for January 3, 2012), to answer or otherwise respond to Plaintiff's Second Amended  
5 Complaint.

6 Dated: November 29, 2012

7 Respectfully submitted,

8 KAMALA D. HARRIS  
9 Attorney General of California  
10 JOHN P. DEVINE  
11 Supervising Deputy Attorney General

12 /s/ Micah C.E. Osgood

13 MICAH C. E. OSGOOD  
14 Deputy Attorney General  
15 *Attorneys for State Defendants*

16 Dated: November 29, 2012

17 Respectfully submitted,

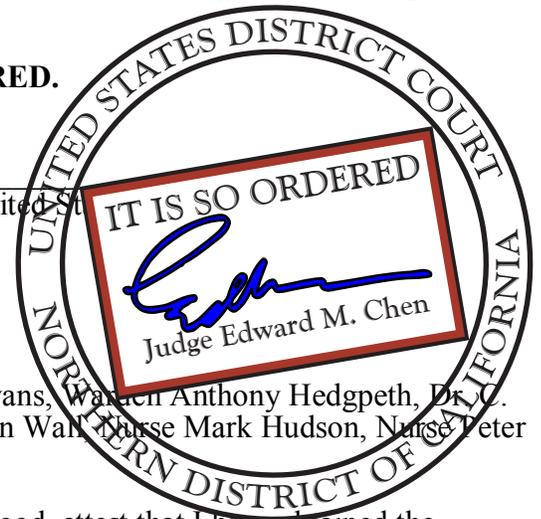
18 /s/ Meghan Woodsome<sup>2</sup>

19 DARIN SNYDER  
20 MEGHAN WOODSOME  
21 DIXIE NOONAN  
22 O'Melveny & Myers LLP  
23 *Attorneys for Plaintiff Gerald S. Righetti*

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 DATE: 11/29/12

26 United States



27 <sup>1</sup> The State Defendants comprise Warden Michael Evans, Warden Anthony Hedgpeth, Dr. C. Dudley Lee, Dr. Michael Sepulveda, Nurse Kathleen Wall, Nurse Mark Hudson, Nurse Peter Chalich, and Nursing Assistant Marcella Zuniga.

28 <sup>2</sup> Pursuant to Local Rule 5-1(i)(3), I, Micah C.E. Osgood, attest that I have obtained the concurrence of Megan Woodsome in the filing of this document and that I have and will maintain records supporting this concurrence for production as required. /s/ Micah C.E. Osgood

1 **DECLARATION IN SUPPORT**

2 I, Micah C.E. Osgood, declare as follows:

3 1. At the hearing before the Court on the State Defendants’ motion to dismiss, the Court  
4 stated that it would decide at the upcoming case management conference whether Plaintiff would  
5 have leave to amend after opportunity to perform additional factual development and/or pursue  
6 limited discovery.

7 2. Because of the need to file an amended complaint regarding other parties in this case,  
8 Plaintiff has filed a Second Amended Complaint with new allegations as to those other parties.  
9 But under the rules, the State Defendants are nevertheless required to respond to this amended  
10 complaint despite the lack of any new allegations concerning them.

11 2. Granting this stipulated request would conserve the Parties’ and the Court’s resources by  
12 obviating the need to relitigate the sufficiency of a complaint that has not been amended as to the  
13 State Defendants and to which this Court has already issued an order.

14 3. Accordingly, the Parties respectfully request that the State Defendant be allowed to defer  
15 responding to the Second Amended Complaint until fourteen days after the next case  
16 management conference, to the extent not otherwise affected by other orders of the Court.

17 4. Pursuant to Local Rule 6-1(a), the State Defendants and Plaintiff have stipulated to one  
18 previous extension to the initial response to Plaintiff’s First Amended Complaint. Plaintiff and  
19 the State Defendants are not aware of any effects on the schedule of this case caused by this  
20 stipulation and request.

21  
22 Dated: November 29, 2012

Respectfully submitted,

23  
24 /s/ Micah C.E. Osgood

25 MICAH C. E. OSGOOD  
26 Deputy Attorney General  
*Attorneys for State Defendants*

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