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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 IN AND FOR THE NORTHERN DISTRICT

11 GERALD RIGHETTI ,
 12 Plaintiff,
 13 v.
 14 CALIFORNIA DEPARTMENT OF
 CORRECTIONS AND REHABILITATION, ET
 15 AL. ,
 16 Defendants.

Case No. 3:11-CV-02717-EMC
 STIPULATION AND REQUEST TO
 EXTEND TIME FOR DEFENDANT
 DUC NGUYEN, M.D. TO RESPOND
 TO PLAINTIFFS' SECOND
 AMENDED COMPLAINT ; ORDER
 Trial Date: Not Set
 Complaint Filed: 6/6/2011;
 Amended 6/1/2012

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1 Pursuant to Local Rules 6-1(b) and 6-2, Plaintiff Gerald S. Righetti and defendant
2 Duc Nguyen, M.D. by and through their respective counsel hereby stipulate to and
3 request that defendant Duc Nguyen, M.D. have until 14 days after the parties' next Case
4 Management Conference (currently set for January 3, 2012), to answer or otherwise
5 respond to Plaintiff's Second Amended Complaint.

6 Dated: November 29, 2012

Respectfully submitted,

7 **HARDY ERICH BROWN & WILSON**
8 A Professional Law Corporation

9 /s/Cameron L. Cobden

10 By _____

11 JOHN P. RHODE
12 CAMERON L. COBDEN
13 Attorneys for Defendant Dr. Duc Nguyen

14 Dated: November 29, 2012

Respectfully submitted,

15 **O'MELVENY & MYERS LLP**

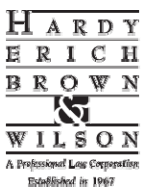
16 /s/ Meghan Woodsome¹

17 By _____

18 DARIN SNYDER
19 MEGHAN WOODSOME
20 DIXIE NOONAN
21 Attorneys For Plaintiff Gerald S. Righetti

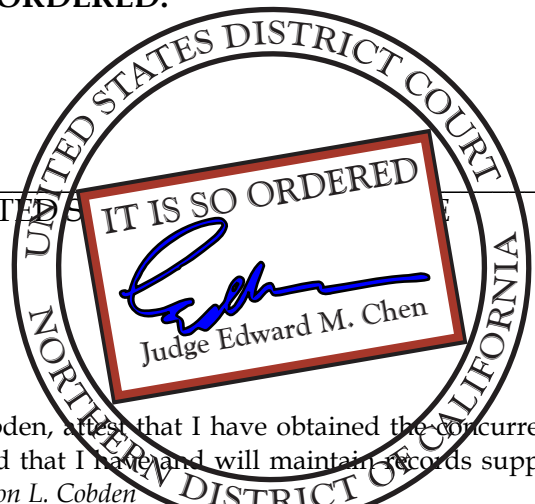
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: November 29, 2012



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UNITED STATES



¹ Pursuant to Local Rule 5-1(i)(3), I, Cameron L. Cobden, 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/Cameron L. Cobden

1 **DECLARATION IN SUPPORT**

2 I, Cameron L. Cobden, declare as follows:

3 1. At the hearing before the Court on defendant Duc Nguyen, M.D.'s motion
4 to dismiss, the Court stated that it would decide at the upcoming Case Management
5 Conference whether Plaintiff would have leave to amend after opportunity to perform
6 additional factual development and/or pursue limited discovery.

7 2. Following the court's dismissal of the medical negligence portion of
8 Plaintiff's complaint as to Dr. Nguyen, Dr. Nguyen's representation was tendered to the
9 Office of the Attorney General. It is anticipated that the status of Dr. Nguyen's
10 representation will be settled on or about December 14, 2012.

11 3. Granting this stipulated request would conserve the Parties' and the
12 Court's resources by obviating the need to relitigate the sufficiency of a complaint that
13 has not been amended as to defendant Dr. Nguyen and to which this Court has already
14 issued an order.

15 4. Accordingly, the Parties respectfully request that Dr. Nguyen be allowed
16 to defer responding to the Second Amended Complaint until 14 days after the next Case
17 Management Conference, to the extent not otherwise affected by other orders of the
18 Court.

19 5. Plaintiff and defendant Dr. Nguyen are not aware of any effects on the
20 schedule of this case caused by this stipulation and request.

21 Dated: November 29, 2012

Respectfully submitted,

22 **HARDY ERICH BROWN & WILSON**
23 A Professional Law Corporation

24 */s/Cameron L. Cobden*

25 By _____
26 JOHN P. RHODE
CAMERON L. COBDEN
Attorneys for Defendant Dr. Duc Nguyen



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