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7 Attorneys for Defendants

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 YOLANDA G. BYRD, )  
 13 )  
 Plaintiff, )  
 14 )  
 v. )  
 15 )  
 PATRICK DONAHOE, POSTMASTER )  
 16 GENERAL UNITED STATES POSTAL )  
 SERVICE, )  
 17 )  
 Defendant. )  
 18 )

No. C-11-4230 RS

**STIPULATION AND [PROPOSED]  
 ORDER TO ALLOW PLAINTIFF TO  
 FILE AN AMENDED COMPLAINT  
 AND TO ALLOW THE DEFENDANT  
 TO FILE AN ANSWER AND/OR  
 RESPONSIVE PLEADING TO THE  
 AMENDED COMPLAINT**

19 Pursuant to Rule 15 (a)(2) of the Federal Rules of Civil Procedure, the parties, plaintiff  
 20 Yolanda Byrd (“Plaintiff”) and the defendant Patrick Donahoe, Postmaster General for the  
 21 United States Postal Service (“Defendant”) submit this Stipulation and [Proposed] Order.

22 WHEREAS, the Plaintiff filed her Employment Discrimination Complaint (“Complaint”)  
 23 on August 26, 2011;

24 WHEREAS, the Defendant was served with the Complaint on October 13, 2011, and  
 25 pursuant to Rule 12(a)(3), the Defendant’s answer and/or responsive pleading is due on  
 26 December 12, 2011;

27 WHEREAS, while preparing Joint Case Management Statement, the Defendant informed  
 28 Plaintiff that it planned to file a motion to dismiss and motion for more definite statement

1 because it was the Defendant's position that the Complaint was vague and ambiguous as written,  
2 and included claims that were not timely exhausted;

3 WHEREAS, the parties determined that it would be a better use of resources to allow  
4 Plaintiff to amend her Complaint;

5 WHEREAS, Plaintiff will be out of town from December 14, 2011 through January 8,  
6 2012, and thus has requested that she have until January 31, 2012 to amend her complaint;

7 ACCORDINGLY, it is hereby agreed by the Parties, that the Plaintiff shall have until  
8 January 31, 2012, to file and serve an amended complaint, and the Defendant shall have until  
9 March 2, 2012, to file and serve a responsive pleading and/or answer.

10 IT IS SO STIPULATED.

11  
12 DATED: December 1, 2011

Respectfully submitted,

MELINDA HAAG  
United States Attorney

S/ Melissa Sladden

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MELISSA SLADDEN  
Assistant United States Attorney

17 DATED: December 1, 2011

18 YOLANDA G. BYRD  
Plaintiff, *pro se*

S/ Yolanda Byrd

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YOLANDA G. BYRD  
*Pro Se*

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**[PROPOSED] ORDER**

Pursuant to the stipulation of the parties, the Plaintiff shall have until January 31, 2012, to file and serve an amended complaint, and the Defendant shall have until March 2, 2012, to file and serve a responsive pleading and/or answer.

IT IS SO ORDERED

Dated: 12/1/11



HONORABLE RICHARD SEEBORG  
United States District Court Judge