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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 **MARK STEPHEN PERRY,**
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 Plaintiff,
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 v.
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 16 **KEVIN CHAPPELL, et al.,**
 17
 Defendants.

Case No. 14-CV-04111 NC
**STIPULATION AND MODIFIED ORDER
 TO CONTINUE DEFENDANT'S
 RESPONSIVE PLEADING DUE DATE
 AND CASE MANAGEMENT
 CONFERENCE DATE**
 Judge: The Honorable Nathanael Cousins
 Trial Date: None
 Action Filed: September 10, 2014

19 Plaintiff Mark Stephen Perry (Plaintiff) and Defendant K. Chappell (Defendant), through
 20 their undersigned counsel of record, stipulate and agree as follows:

- 21 1. On September 10, 2014, Plaintiff commenced this action, filing his
 22 original complaint entitled *Mark Stephen Perry v. Kevin Chappell, et al.* (ECF No. 1.)
- 23 2. On September 11, 2014, Magistrate Judge Nathaniel Cousins issued the Order Setting
 24 Initial Case Management Conference and Alternative Dispute Resolution (ADR) Deadlines.
 25 (ECF No. 4). The Court scheduled the Case Management Conference for December 10, 2014,
 26 with the Case Management Statement due on December 3, 2014. (*Id.*)

1 3. On October 22, 2014, the Court issued Summons to Defendant and Instructions
2 regarding service of process to the U.S. Marshal's Service for the Northern District of California.
3 (ECF No. 9.)

4 4. On December 2, 2014, the Clerk of the Court issued a notice continuing the Initial
5 Case Management Conference to January 7, 2015 at 10:00 AM. (ECF No. 12.)

6 5. On December 10, 2014, Defendant executed a Notice of Receipt and
7 Acknowledgment of Summons. (ECF No. 14.)

8 6. On December 31, 2014, Defendant answered Plaintiff's complaint. (ECF No. 21.)

9 7. On January 6, 2015, the parties submitted a Joint Stipulation and Proposed Order
10 moving the Case Management Conference so that the parties could engage in further discovery
11 regarding the matter. (ECF No. 22.) The Court approved the stipulation and rescheduled the
12 conference to April 15, 2015. (ECF No. 24.)

13 8. On April 8, 2015, the parties submitted an initial Joint Case Management Statement,
14 noting their cooperation concerning assessment of the claims and defenses in the matter and
15 ongoing informal discovery. (ECF No. 25.)

16 9. On April 10, 2015, the Court issued a Case Management Order directing that the last
17 day to amend pleadings and add parties was June 12, 2015 and setting a further Case
18 Management Conference for July 22, 2015. (ECF No. 26.)

19 10. On May 15, 2015, counsel for the parties conducted an ADR teleconference with the
20 Northern District's ADR Program Director. After discussing the parties' ongoing assessment of
21 the case, the parties agreed to a further ADR conference on July 21, 2014. (*See* Court Docket.)

22 11. On June 12, 2015, Plaintiff filed an amended complaint, adding Defendant R. Turner.
23 (ECF No. 27.)

24 12. On July 2, 2015, the Court directed the Clerk of the Court to issue a summons for
25 Defendant Turner on the amended complaint. (ECF No. 28.) The Clerk issued a summons on
26 July 7, 2015. (ECF No. 28.)

27 13. The parties jointly request that the Court extend the date for Defendants to respond to
28 Plaintiff's amended complaint and extend dates regarding the upcoming Case Management

1 Conference. Plaintiff recently filed an amended complaint, and the parties have completed
2 informal discovery and are currently assessing their respective positions and the merits of the
3 case. The additional requested time will allow the parties to explore resolving this matter before
4 engaging in protracted litigation and the unnecessary expense of resources. So that the parties
5 can consider resolution of the case and better use the Court's time and resources, the parties
6 respectfully request that the Court extend dates as detailed below. Because no other dates have
7 been set, and given the early stage of the litigation, the requested time modification has no impact
8 on the case's schedule.

9 ACCORDINGLY, the parties stipulate and respectfully request that the Court issue an
10 order continuing relevant procedural dates in the suit and deadlines set forth in the April 10, 2015
11 Case Management Order as follows:

September 4, 2015	Defendants' Answer or Responsive Pleading due
September 9, 2015	Case Conference Statement due
September 16, 2015	Case Management Conference

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16 IT IS SO STIPULATED.

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18 Dated: 7/7/2015

/s/ Mark W. Kelsey

Mark W. Kelsey
Law Offices of Mark W. Kelsey
Attorney for Plaintiff Mark Perry

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22 Dated: 7/7/2015

/s/ Kyle A. Lewis

Kyle A. Lewis¹
California Attorney General's Office
Attorneys for Defendant K. Chappell

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28 ¹ In accordance with Civil L.R. 5-1(i)(3), counsel for Defendant attests that concurrence in the filing of this stipulation has been obtained from Plaintiff's counsel.

ORDER

Having reviewed and considered the Joint Stipulation of the parties, and good cause appearing therefor, IT IS HEREBY ORDERED that relevant dates in this action and deadlines set forth in the Court's April 10, 2015 Case Management Order be continued as follows:

September 4, 2015	Defendants' Answer or Responsive Pleading due
September 9, 2015	Case Conference Statement due. Defendant R. Turner must file consent or declination by this date.
September 16, 2015	Case Management Conference set for 10:00 a.m. in Courtroom 7, 4 th Floor, San Jose.

Dated: July 15, 2015

