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16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

21 **BRENDA DAVIS,**
 22 Plaintiffs,
 23 **v.**
 24 **CALIFORNIA DEPARTMENT OF**
 25 **CORRECTIONS AND**
 26 **REHABILITATION, et al.,**
 27 Defendants.

C 08-4481 SBA
STIPULATION AND ORDER
CONTINUING TRIAL DATE
 Trial Date: May 12, 2014
 Time: 8:30 a.m.
 Courtroom: 1, 4th floor
 Judge: The Honorable Sandra B.
 Armstrong
 Action Filed: September 24, 2008

1 TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

2 PLEASE TAKE NOTICE THAT THE undersigned counsel of record for Plaintiff Brenda
3 Davis and Defendants California Department of Corrections and Rehabilitation and David
4 Mandel hereby stipulate and request that the Court vacate and continue the May 12, 2014 trial
5 dates. Defendants are requesting to continue the trial date because Defendant Mandel, the key
6 individually named defendant in this matter, has suddenly become severely ill with stage 2
7 bladder cancer. Dr. Mandel's doctor has ordered that he not participate in litigation for the
8 remainder of this year. Dr. Mandel is currently undergoing lengthy chemotherapy and surgery,
9 and will need to spend the rest of the year on his prescribed treatment and recovery. It would
10 greatly impair Dr. Mandel's health and recovery, should he be forced to participate in litigation
11 during this time. Due to the chemotherapy, Dr. Mandel is currently immuno-compromised. Dr.
12 Mandel has been ordered to stay away from people, or places where he may pick up an infection,
13 cold or virus. Therefore, to force Dr. Mandel to participate in litigation any time during this year
14 will greatly impair his recovery. Given Dr. Mandel's oncologist's medical opinion, Defendants
15 request that the trial be continued to 2015, when Dr. Mandel's health is restored, and he is
16 capable of assisting in his defense. Please see Exhibit A for a true and correct copy of a letter
17 from Dr. Mandel's physician. Plaintiff Brenda Davis does not oppose this request. Accordingly,
18 there is good cause for the request.

19 Additionally, Plaintiff Brenda Davis respectfully requests that the Court decide the pretrial
20 motions *in limine* as scheduled, if possible. Defendants do not object to Plaintiff's request.
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