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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 **BRENDA DAVIS and DAVID ROY,**
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 Plaintiffs,
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 v.
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 19 **STATE OF CALIFORNIA,**
DEPARTMENT OF CORRECTIONS AND
REHABILITATION; DAVID MANDEL,
 20 **Ph.D.; TIMOTHY McCARTHY, Ph.D.;**
JOANN VAN VALKENBURGH;
MAUREEN McLEAN and DOES 1-100,
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 Defendants.
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C 08-4481 SBA
**ORDER DENYING REQUEST TO
 VACATING PRE-TRIAL DEADLINES &
 TRIAL DATE**
 Courtroom: 1, 4th Floor
 Judge The Honorable Sandra B.
 Armstrong
 Trial Date April 12, 2010
 Action Filed: September 24, 2008

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

2 TAKE NOTICE THAT THE undersigned counsel of record for plaintiffs and defendants
3 hereby stipulate and request that the Court enter the following order forthwith:

4 The parties jointly and respectfully request that: (1) the current January 10, 2010 discovery
5 cut-off, February 23, 2010 dispositive motion cut-off, and April 12, 2010 trial date be vacated and
6 (2) a case management conference be scheduled. The parties make this request for the following
7 reasons:

8 (1) Plaintiff recently amended the complaint;

9 (2) Defendants' Motion to Dismiss the Second Amended Complaint is currently pending,
10 which will be heard on December 8, 2009;

11 (3) Due to the amending of the complaint and the motion to dismiss, neither party has
12 conducted depositions. As the parties and counsel are spread out over a 300 mile radius, the
13 parties agree that it would be a more expeditious use of resources to conduct depositions after the
14 Court rules on the Motion to Dismiss (in the event that the Court dismisses any claims or parties);

15 (4) The Court's current busy motions calendar will not accept motion hearing dates earlier
16 than February 9, 2010. Therefore, in order for the parties to comply with the motion cut-off
17 deadline of February 23, 2010, they must file their dispositive motions now. This is not possible,
18 because the Motion to Dismiss and depositions are pending;

19 (5) Neither party has thus far unduly delayed the progress of this case. Both parties have
20 litigated this matter in good faith by exchanging and supplementing initial disclosures,
21 participating in the court-mandated ENE, and nearly completing written discovery.

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1 For the above-listed reasons, the parties respectfully request that the current discovery and
2 dispositive motion cut-off deadlines and trial date be vacated. The parties also request that in
3 order to reschedule these dates, the Court set a case management conference date after its ruling
4 on the Motion to Dismiss the Second Amended Complaint.

5 Dated: November 19, 2009

Respectfully submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California

8 /s/ BONNIE J. CHEN

9

BONNIE J. CHEN
10 Deputy Attorney General
11 *Attorneys for Defendants CDCR, Mandel,*
12 *Archambault, McCarthy, Van Valkenburgh*
13 *& McLean*

14 ABRAHAM N. GOLDMAN & ASSOCIATES, LTD.

15 /s/ ABRAHAM N. GOLDMAN

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ABRAHAM N. GOLDMAN, ESQ.
17 *Attorneys for Plaintiffs Brenda Davis and*
18 *David Roy*

19 ORDER

20 Based on the agreement of the parties, and good cause appearing, it is SO ORDERED.
21 All of the deadlines listed in the Court's January 26, 2009 Order for Pretrial Preparation (Docket
22 No. 24) are hereby vacated. Specifically, the January 11, 2010 discovery cut-off and expert
23 designation deadline, the February 23, 2010 dispositive motion cut-off date, and April 12, 2010
24 trial date, are hereby vacated. The Court will schedule a further case management conference
25 after its ruling on the Motion to Dismiss the Second Amended Complaint.

26 Dated: 11/30/09

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