

1 2011, this Court granted Plaintiff's Unopposed Second Motion for Extension of Time and for
2 Continuance of Competency Hearing and continued the hearing until January 19, 2012. (ECF No.
3 184.)

4 On November 17, 2011, Defendant Shacklett filed a Request to Present Oral Testimony of
5 Dr. Apostle at the Motion Hearing and Order Thereon. (ECF No. 185.) The deposition of Dr.
6 Donald Apostle is scheduled to commence on December 21, 2011.

7 The parties hereto have conferred and request that the Court amend the briefing schedule and
8 continue the hearing date as follows: Plaintiff shall file an opposition to Defendant's Motion Re:
9 Competency on or before February 9, 2012; Defendant shall file a reply in further support of
10 Defendant's Motion Re: Competency on or before February 23, 2012; and the hearing on
11 Defendant's Motion Re: Competency shall be adjourned to March 1, 2012, at 11:00 a.m. Counsel
12 have met and conferred with attorney Robert Good, counsel for Dr. Apostle, and he has indicated his
13 agreement with the proposed schedule. A courtesy copy of this Stipulated Request for Order
14 Extending Time and [Proposed] Order has been transmitted to Mr. Good.

15 **THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

- 16 1. Plaintiff shall file an opposition to Defendant's Motion Re: Competency no later than
17 February 9, 2012;
- 18 2. Defendant shall file a reply in further support of Defendant's Motion Re: Competency no
19 later than February 23, 2012; and
- 20 3. The hearing on Defendant's Motion Re: Competency shall be adjourned to
21 March¹⁵, 2012, at 11:00 a.m.
- 22 4. DECLARATION PURSUANT TO L.R. 6-2(a): The parties declare that (1) the reason for
23 the requested enlargement of time is Plaintiff's counsel will depose Dr. Apostle on
24 December 21, 2011, and will require additional time to prepare an opposition to
25 Defendant's Motion Re: Competency, currently due December 28, 2011, and
26 (2) Defendant's counsel has a ten to fourteen day trial scheduled to commence on
27 February 3, 2012. The parties hereto do not anticipate that this modification of the
28

1 briefing schedule and hearing on the Motion Re: Competency will impact other existing
2 deadlines in this case.

3 DATED: December 13, 2011

Respectfully submitted,

5 /s/ Michael P. Esser

6 Michael P. Esser
7 KIRKLAND & ELLIS LLP
8 555 California Street
9 San Francisco, CA 94104
10 *Attorneys for Plaintiff*
11 *Annette Sharlene Elder-Evins,*
12 *for the limited purpose of competency proceedings*

11 /s/ John J. Fritsch

12 John J. Fritsch
13 SANTA ROSA COUNTY COUNSEL
14 100 Santa Rosa Avenue, Room 8
15 Santa Rosa, CA 95404
16 *Attorneys for Defendant Daniel Shacklett*

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

16 Dated: December 15, 2011

17 
18 _____
19 Magistrate Judge Laurel Beeler

20 **Plaintiff's opposition brief is due by February 9, 2012, and Defendant's reply brief is due by**
21 **February 23, 2012, as the parties stipulated. HOWEVER, the hearing on Defendant's motion**
22 **is continued to March 15, 2012, not March 1, 2012.**

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 13, 2011, I electronically filed the foregoing
3 STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER with
4 the Clerk of the court using the CM/ECF system which will send notification of such filing to the e-
5 mail addresses registered, as denoted on the Court’s Electronic Mail Notice List, and I hereby certify
6 that I have mailed the foregoing document via the United States Postal Service to the non-CM/ECF
7 participants as listed below.

8 Annette Sharlene Elder-Evins
9 Guenocamata Sovereign Trust
10 Guenocamata Racheria
11 948 Leddy Avenue
12 Santa Rosa, California 95407

13 DATED: December 13, 2011

14 By: /s/ Michael P. Esser
15 Michael P. Esser