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7 Counsel for Plaintiff

8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 MARK TICER,

12 Plaintiff,

13 v.

14 GREGORY YOUNG, et al.,

15 Defendants.

Case No. 4:16-cv-02198-KAW

JOINT STIPULATION AND
[PROPOSED] ORDER GRANTING
PLAINTIFF LEAVE TO FILE FOURTH
AMENDED COMPLAINT

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1 WHEREAS, on April 22, 2016, Plaintiff, proceeding pro se, filed his Complaint in this
2 matter.

3 WHEREAS, on July 31, 2017, Plaintiff filed his Second Amended Complaint.

4 WHEREAS, on October 4, 2017, Plaintiff filed a motion for appointment of counsel.

5 WHEREAS, on October 6, 2017, the Court granted Plaintiff's motion and referred
6 Plaintiff to the Federal Pro Bono Project, staying proceedings pending the appointment of
7 counsel.

8 WHEREAS, Plaintiff also had a state case pending in Santa Clara Superior Court, *Ticer*
9 *v. Board of Trustees of the California State University, et al.*, Case No. 16CV297218, which was
10 based on the same underlying facts as this case and asserted state-law claims against Defendants
11 the Board of Trustees of the California State University ("the Board") and former California
12 State University ("CSU") Professor, Gregory Young.

13 WHEREAS, on October 10, 2017, Defendants filed the parties' stipulation to consolidate
14 the instant matter and Plaintiff's state case.

15 WHEREAS, on October 13, 2017, the Court approved the parties' stipulation and, per the
16 stipulation, ordered Plaintiff to file a third amended complaint within 30 days.

17 WHEREAS, on November 7, 2017, the Court lifted the stay because the Federal Pro
18 Bono Project had not yet been able to find counsel for Plaintiff and set the next case management
19 conference for January 30, 2018.

20 WHEREAS, on November 13, 2017, Plaintiff filed his Third Amended Complaint.

21 WHEREAS, on December 29, 2017, Alexis Alvarez and Jinny Kim filed notices of
22 appearance as counsel for Plaintiff in this matter.

23 WHEREAS, on January 2, 2018, counsel for the parties met and conferred about the
24 status of the case and Plaintiff's intention to file a Fourth Amended Complaint

25 WHEREAS, on February 2, 2018, Plaintiff's counsel shared with opposing counsel a
26 draft of Plaintiff's Fourth Amended Complaint.

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1 WHEREAS, Defendants have agreed to the filing of Plaintiff's Fourth Amended
2 Complaint so long as Defendants have 30 days from the date of filing to file their motion to
3 dismiss.

4 THEREFORE, the parties hereby stipulate, subject to approval by the Court, that Plaintiff
5 Mark Ticer shall be granted leave to file his Fourth Amended Complaint as set forth in Exhibit A
6 and that Defendants shall have 30 days to file a motion to dismiss.

7 IT IS SO STIPULATED.

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10 Dated: February 26, 2018

Respectfully Submitted,

Alexis Alvarez
Jinny Kim
LEGAL AID AT WORK

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14 By: /s/ Alexis Alvarez
ALEXIS ALVAREZ
Attorneys for Plaintiff MARK TICER

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17 Dated: February 26, 2018

XAVIER BECERRA
Attorney General of California
JEFFREY R. VINCENT
Supervising Deputy Attorney General

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22 By: /s/ Kymberly E. Speer
KYMBERLY E. SPEER
Deputy Attorney General
*Attorneys for Defendants Board of Trustees of
the California State University and Gregory
Young*

1 Pursuant to General Order No. 45 X. (B), I attest that concurrence in the filing of this
2 document has been obtained from Defendants' counsel.

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4 Dated: February 26, 2018

5 LEGAL AID AT WORK

6 By: /s/ Alexis Alvarez
7 ALEXIS ALVAREZ
8 Attorneys for Plaintiff MARK TICER
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ORDER

Having considered the Stipulation of the parties and GOOD CAUSE appearing, this Court hereby approves the foregoing stipulation and grants Plaintiff leave to file his Fourth Amended Complaint. Defendants shall have 30 days to answer or to file a motion to dismiss.

IT IS SO ORDERED.

Dated: February 26, 2018

By: Kandis Westmore
The Honorable Kandis A. Westmore
United States Magistrate Judge