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7
 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 BRIT F. AUGBORNE, III,
 11 Plaintiff,
 12 v.
 13 DOCTOR, et al.,
 14 Defendants.

Case No. 3:17-cv-00592-RCJ-WGC

STIPULATION AND ORDER

15 Defendant Gregory Martin by and through counsel, Aaron D. Ford, Attorney General of the
 16 State of Nevada, and Charles H. Odgers, Deputy Attorney General and Plaintiff Brit F. Augborne, III, in
 17 proper person, hereby file the following stipulations.

18 **IT IS HEREBY STIPULATED AND AGREED** that Defendant Dr. Gregory Martin shall be
 19 dismissed, with prejudice, from this action.

20 **IT IS FURTHER STIPULATED AND AGREED** by the parties to recommend to the Court,
 21 based upon the hearing held on November 13, 2019, to continue the period for Plaintiff to amend his
 22 pleadings to properly name those Defendants Plaintiff believes are responsible for his injuries based
 23 upon the discovery documents provided previously and as discussed in open court.

24 **IT IS FURTHER STIPULATED AND AGREED** that Plaintiff must file his Motion for
 25 Leave to Amend his Complaint and file his proposed Second Amended Complaint no later than
 26 December 18, 2019.

27 **IT IS FURTHER STIPULATED AND AGREED** that Defendant shall have fourteen days,
 28 per local rule, in which to respond to Plaintiff's proposed Second Amended Complaint.

1 **IT IS FURTHER STIPULATED AND AGREED** by the parties that once Dr. Martin is
2 dismissed only the Doe Defendants remain and Plaintiff and Counsel for the defendants agree that
3 allowing Plaintiff the additional time to file his Motion to Amend his Complaint and submit his
4 proposed Second Amended Complaint allowing him to identify the Doe Defendants is in the best
5 interest of this case.

6 **IT IS FURTHER STIPULATED AND AGREED** that the Defense counsel reserves the right
7 to oppose the proposed Second Amended Complaint on the merits, and request that the Court Screen
8 the Second Amended Complaint pursuant to 28 U.S.C. 1915A based upon any Opposition filed.

9 DATED this 20th day of November, 2019

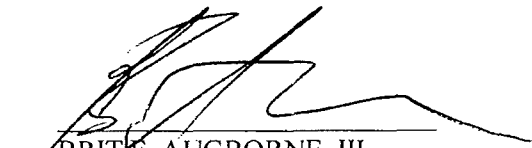
 DATED this 25th day of November, 2019

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AARON D. FORD
Attorney General

/s/ Charles H. Odgers
CHARLES H. ODGERS, Bar No. 8596
Deputy Attorney General

Attorneys for Defendant



BRITT F. AUGBORNE, III
Plaintiff

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ORDER

This matter having come before the Court in Chambers, the Court having reviewed the stipulation of the parties and having held a hearing on this matter on or about November 13, 2019, finds that the stipulation of the parties is reasonable considering the facts of this case as provided by Counsel and Plaintiff.

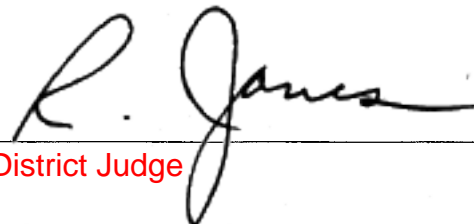
THEREFORE,

IT IS ORDERED, ADJUDGED AND DECREED that Dr. Gregory Martin is dismissed from Case No. 3:17-cv-00592-RCJ-WGC, with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall have up to and including December 18, 2019 to file his motion for leave to file his Second Amended Complaint.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defense counsel shall have up to and including January 2, 2020 in which to file any opposition to the Second Amended Complaint and their request, if any, for screening of the Second Amended Complaint pursuant to 28 U.S.C. 1915A.

ORDERED this **6th day of December, 2019.**

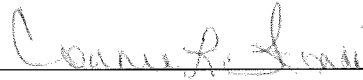


District Judge

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 25th day of November, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **STIPULATION AND ORDER**, to the following:

Brit Augborne, III, #1145763
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070



An employee of the
Office of the Attorney General

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