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13 THE UNIVERSITY OF CALIFORNIA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

12 ANTHONY CRAVOTTA, II,

Case No. 2:22-CV-00167-DJC-AC

13 Plaintiff,

14 v.
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**STIPULATION AND ORDER EXCUSING
ANSWERS TO THE SECOND AMENDED
COMPLAINT AND GRANTING
PLAINTIFF LEAVE TO FILE A THIRD
AMENDED COMPLAINT**

*ASSIGNED TO THE HON. DANIEL J.
CALABRETTA – COURTROOM 10*

Complaint Filed: January 26, 2022
1st Am. Complaint Filed: August 4, 2022
2nd Am. Complaint Filed: March 18, 2024
Trial Date: Not Yet Set

12 COUNTY OF SACRAMENTO;
13 SACRAMENTO COUNTY SHERIFF'S
14 DEPARTMENT; SCOTT JONES;
15 CHRISTOPHER STURGIS; CRISTINA
16 ALBRIGHT-MUNDY; DAISY HER;
17 BRADLEY WHITING; JACQUELYN
18 BLEVINS; SINGH; BENNETT
19 PRESTON; ANDREA HAYNES; MOISES
20 PAREDES; RONNIE MCLEAN; JUSTIN
21 HIGLEY; TAKUYA NODA; REGENTS OF
22 THE UNIVERSITY OF CALIFORNIA;
23 NICOLE GARCES-BARRELLA; DIANE
24 ORAN; JACLYN DECARLO; MELISSA
25 TURNER; STATE OF CALIFORNIA;
26 CALIFORNIA DEPARTMENT OF STATE
27 HOSPITALS, and DOE 1 to 10,
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Defendants.

Under Federal Rules of Civil Procedure 6(b), 15(a)(3), and Local Rules 143 and 144(a), Plaintiff ANTHONY CRAVOTTA II, by and through his counsel, Mark E. Merin and Paul H. Masuhara of the Law Office of Mark E. Merin, and Defendants COUNTY OF SACRAMENTO, SACRAMENTO COUNTY SHERIFF'S DEPARTMENT, SCOTT JONES,

1 CHRISTOPHER STURGIS, CRISTINA ALBRIGHT-MUNDY, DAISY ROLLON (née HER),
 2 BRADLEY WHITING, JACQUELYN BLEVINS, RAMANDEEP SINGH, ANDREA HAYNES,
 3 MOISES PAREDES, RONNIE MCLEAN, JUSTIN HIGLEY, and TAKUYA NODA by and
 4 through their counsel Jonathan B. Paul and Jill B. Nathan of Rivera Hewitt Paul LLP, and
 5 Defendant BENNETT PRESTON by and through his counsel Van Longyear and Nicole M.
 6 Cahill of Longyear and Lavra, LLP, and Defendants THE REGENTS OF THE UNIVERSITY
 7 OF CALIFORNIA, NICOLE GARCES-BARRELLA, DIANE ORAN, JACLYN DECARLO
 8 and MELISSA TURNER by and through counsel Neal Luterman, Adriana C. Cervantes
 9 and Suzanne M. Nicholson of Wilke Fleury LLP, and Defendants STATE OF CALIFORNIA
 10 and CALIFORNIA DEPARTMENT OF STATE HOSPITALS by and through their counsel
 11 Diana Esquivel, Deputy Attorney General for the Office of the Attorney General of
 12 California, hereby stipulate and request that Defendants be excused from filing responsive
 13 pleadings to the Plaintiff's Second Amended Complaint ("SAC") (Doc. 86), which was filed
 14 on March 18, 2024, and allow Plaintiff leave to file a Third Amended Complaint to which all
 15 parties shall then file responses.

16 Good cause exists to grant this stipulated request because the parties intend, or
 17 have already begun, to meet and confer regarding concerns with the allegations of the SAC
 18 and judicial economy and efficiency will best be served by excusing the defendants from
 19 responding to the SAC and allowing Plaintiff leave to file a TAC following these meet and
 20 confer efforts. The filing of a TAC will render any responses to the SAC moot.

21 When an act must be done within a specified time, the court may, for good cause,
 22 extend the time with or without motion or notice if the court acts, or if a request is made,
 23 before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). Responses to amended
 24 pleadings must be made within 14 days of service of the amended pleading unless
 25 otherwise ordered by the court. Fed. R. Civ. P. 15(a)(3).

26 On March 28, 2024 the parties stipulated to various extensions of time in which to
 27 file responsive pleadings to the SAC. (Doc. 90.) On April 17, 2024, Plaintiff and defendants
 28 STATE OF CALIFORNIA and CALIFORNIA DEPARTMENT OF STATE HOSPITALS (the

1 "State Defendants") stipulated to an extension of time to April 27, 2024 for the State
 2 Defendants to respond to the SAC. (Doc. 92.) On April 18, 2024, Plaintiff and Defendant
 3 REGENTS OF THE UNIVERSITY OF CALIFORNIA, STATE OF CALIFORNIA ("The
 4 Regents") stipulated to an extension of time to April 29, 2024 for the Regents to respond
 5 to the SAC. (Doc. 93.) On April 19, 2024, Plaintiff and defendants COUNTY OF
 6 SACRAMENTO, SACRAMENTO COUNTY SHERIFF'S DEPT., SCOTT JONES,
 7 ANDREA HAYNES, MOISES PAREDES, RONNIE MCLEAN, JUSTIN HIGLEY,
 8 RAMANDEEP SINGH, CHRISTOPHER STURGIS, DAISY ROLLON, BRADLEY
 9 WHITING, JACQUELINE BLEVINS, TAKUYA NODA and CRISTINA ALBRIGHT-MUNDY
 10 and BENNETT PRESTON (the "County Defendants") stipulated to an extension of time to
 11 April 29, 2024 for the County Defendants to respond to the SAC. (Doc. 94.)

12 Defendants CHRISTOPHER STURGIS, CRISTINA ALBRIGHT-MUNDY, DAISY
 13 ROLLON (née HER), BRADLEY WHITING, JACQUELYN BLEVINS, RAMANDEEP
 14 SINGH, TAKUYA NODA, NICOLE GARCES-BARRELLA, DIANE ORAN, JACLYN
 15 DECARLO, and MELISSA TURNER have not yet been served with the SAC but agreed to
 16 waive service of summons.

17 The parties stipulate and have agreed to the following:

- 18 (1) All defendants shall be excused from responding to the SAC. (Doc. 86.)
- 19 (2) All defendants shall have until May 10, 2024 to meet and confer with plaintiff
 20 ANTHONY CRAVOTTA II regarding any concerns with the allegations of the
 21 Second Amended Complaint ("SAC").
- 22 (3) Plaintiff ANTHONY CRAVOTTA II will have until May 20, 2024 to respond to any
 23 and all such meet and confer efforts.
- 24 (4) Plaintiff ANTHONY CRAVOTTA II will have until June 3, 2024 to file his Third
 25 Amended Complaint ("TAC").
- 26 (5) Plaintiff ANTHONY CRAVOTTA II agrees that his TAC shall contain no new
 27 substantive allegations concerning the State Defendants, except as necessitated by
 28 the parties' meet-and-confer efforts and ongoing discovery.

1 (6) Pursuant to FRCP 15(a)(3), defendants who have previously appeared (Defendants
2 COUNTY OF SACRAMENTO, SACRAMENTO COUNTY SHERIFF'S
3 DEPARTMENT, SCOTT JONES, ANDREA HAYNES, MOISES PAREDES,
4 RONNIE MCLEAN, JUSTIN HIGLEY, BENNETT PRESTON, REGENTS OF THE
5 UNIVERSITY OF CALIFORNIA, STATE OF CALIFORNIA, and CALIFORNIA
6 DEPARTMENT OF STATE HOSPITALS) shall have 14 days after June 3, 2024 to
7 respond to the Third Amended Complaint.

8 (7) Pursuant FRCP 12, defendants who have not previously appeared (Defendants
9 CHRISTOPHER STURGIS, CRISTINA ALBRIGHT-MUNDY, DAISY ROLLON (née
10 HER), BRADLEY WHITING, JACQUELYN BLEVINS, RAMANDEEP SINGH,
11 TAKUYA NODA, NICOLE GARCES-BARRELLA, DIANE ORAN, JACLYN
12 DECARLO, and MELISSA TURNER) shall have 21 days after June 3, 2024 to file a
13 responsive pleading to the TAC.

14 (8) The parties agree that this stipulation to allow plaintiff to file a Third Amended
15 Complaint shall not waive any right any defendant may have to challenge the
16 substance of the Third Amended Complaint or constitute a waiver of any claim or
17 defense any defendant may have to any claims stated therein, except as to the
18 limitations imposed by the Federal Rules of Civil Procedure including Rule 12(g)
19 and (h).

20 IT IS SO STIPULATED.

21 DATED: April 25, 2024

WILKE FLEURY LLP

22
23 By: /S/ Suzanne M. Nicholson

24 NEAL C. LUTTERMAN
25 ADRIANA C. CERVANTES
26 SUZANNE M. NICHOLSON
27 Attorneys for Defendant
28 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

1 DATED: April 25, 2024

LAW OFFICE OF MARK E. MERIN

2 By: /S/ Paul H. Masuhara

3 MARK E. MARIN

4 PAUL H. MASUHARA

5 Attorneys for Plaintiff

6 ANTHONY CRAVOTTA II

7 DATED: April 24, 2024

RIVERA HEWITT PAUL LLP

8 By: /S/ Jill B. Nathan

9 JONATHAN B. PAUL

10 JILL B. NATHAN

11 Attorneys for Defendants

12 COUNTY OF SACRAMENTO,

13 SACRAMENTO COUNTY SHERIFF'S

14 DEPARTMENT, SCOTT JONES, SGT.

15 HAYNES, DEPUTY PAREDES, DEPUTY

16 MCLEAN and DEPUTY HIGLEY

17 DATED: April 25, 2024

18 LONGYEAR & LAVRA, LLP

19 By: /S/ Nicole M. Cahill

20 VAN LONGYEAR

21 NICOLE M. CAHILL

22 Attorneys for Defendant

23 BENNETT PRESTON

24 DATED: April 24, 2024

25 ROB BONTA

26 Attorney General of California

27 CHRISTINE E. GARSKE

28 Supervising Deputy Attorney General

29 By: /S/ Diana Esquivel

30 DIANA ESQUIVEL

31 Deputy Attorney General

32 Attorneys for Defendant

33 STATE OF CALIFORNIA and CALIFORNIA

34 DEPARTMENT OF STATE HOSPITALS

1 **ORDER**

2 Good cause appearing, and based on the parties' stipulation, this Stipulation and
3 Order is GRANTED.

4 All Defendants are excused from filing a responsive pleading to the SAC, the parties
5 shall meet and confer in accord with the schedule set forth in this Stipulation, and Plaintiff
6 ANTHONY CRAVOTTA II is granted leave file his Third Amended Complaint ("TAC") no
7 later than June 3, 2024.

8 IT IS SO ORDERED.

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10 DATED: April 25, 2024

/s/ Daniel J. Calabretta

11 THE HONORABLE DANIEL J. CALABRETTA
12 UNITED STATES DISTRICT JUDGE

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