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10 Attorneys for Plaintiff  
 Courthouse News Service

11  
 12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
 14 **WESTERN DIVISION**

15 Courthouse News Service,

16 Plaintiff,

17 vs.

18 Michael Planet, in his official capacity as  
 Court Executive Officer/Clerk of the  
 19 Ventura County Superior Court,

20 Defendant.

Case No. CV11-08083 R (MANx)

**STIPULATION FOR PLAINTIFF  
 COURTHOUSE NEWS SERVICE  
 TO FILE AN AMENDED  
 COMPLAINT**

BRYAN CAVE LLP  
 560 MISSION STREET, 25TH FLOOR  
 SAN FRANCISCO, CA 94105-2994

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**STIPULATION**

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2 WHEREAS Plaintiff Courthouse News Service (“Courthouse News”) filed on  
3 September 29, 2011, a Complaint for Injunctive and Declaratory Relief that  
4 included three counts: (1) violation of U.S. Const. Amend. I and 42 U.S.C. § 1983;  
5 (2) violation of federal common law and 42 U.S.C. § 1983; and (3) violation of  
6 California Rule of Court 2.550; and

7 WHEREAS in his October 20, 2011 motion to dismiss, Defendant Michael  
8 Planet, in his official capacity as court executive officer/clerk of the Ventura County  
9 Superior Court, invoked his Eleventh Amendment immunity to the third count for  
10 violation of California Rule of Court 2.550; and

11 WHEREAS, responding to Defendant’s invocation of his Eleventh  
12 Amendment immunity in its October 31, 2011 Opposition to Defendant’s motion to  
13 dismiss, Courthouse News consented to the dismissal of its third cause of action for  
14 Violation of California Rule of Court 2.550; and

15 WHEREAS, in a ruling from the bench on November 28, 2011 and by written  
16 order dated November 30, 2011, this Court abstained and dismissed the Complaint  
17 in its entirety; and

18 WHEREAS, in its answering brief in Courthouse News’ appeal of the order  
19 of dismissal in the Ninth Circuit, Defendant asserted that 42 U.S.C. § 1983 does not  
20 incorporate federal common law into its scope, citing *Hoopa Valley Tribe v. Nevins*,  
21 881 F.2d 657 (9<sup>th</sup> Cir. 1989); and

22 WHEREAS, now that proceedings in this Court have resumed, in the interest  
23 of judicial and party efficiency, Courthouse News wishes to file the proposed  
24 Amended Complaint attached hereto as Exhibit A, which differs from the original  
25 Complaint only in that it eliminates the second and third counts, with appropriate  
26 accompanying amendments to eliminate references to those counts in the prayer for  
27 relief and paragraphs 1, 3 and 6 of the original Complaint; and

28 WHEREAS, Defendant is agreeable to stipulating to the filing of the

1 Amended Complaint, provided that he be given twenty-one days from the date the  
2 Amended Complaint is filed to file his answer or responsive pleading;

3 NOW, THEREFORE, Pursuant to Rule 15(a) of the Federal Rules of Civil  
4 Procedure and Local Civil Rules 7-1 and 15-1-4, the parties to the above referenced  
5 action stipulate that Plaintiff Courthouse News Service may file the proposed  
6 amended complaint attached hereto as Exhibit A, and further stipulate that  
7 Defendant's answer or responsive pleading shall be due on or before twenty-one  
8 days from the filing of the Amended Complaint.

9 STIPULATED AND AGREED TO:

10  
11 Dated: May 28, 2014

By: /s/ Rachel E. Matteo-Boehm  
Rachel E. Matteo-Boehm  
Attorneys for Plaintiff  
Courthouse News Service

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15 Dated: May 28, 2014

By: /s/ Robert A. Naeve  
Robert A. Naeve  
Attorneys for Defendant  
Michael Planet, in his official capacity  
as Court Executive Officer/Clerk of  
Court of the Ventura County Superior  
Court

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20 ATTESTATION

21 Pursuant to L.R. 5-4.3.4, I hereby attest that all other signatories listed, and on  
22 whose behalf this filing is submitted, concur in the filing's content and have  
23 authorized the filing.

24  
25 Dated: May 28, 2014

By: /s/ Rachel E. Matteo-Boehm  
Rachel E. Matteo-Boehm

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