

1 **OFFICE OF KERN COUNTY COUNSEL**
 2 **COUNTY OF KERN, STATE OF CALIFORNIA**
 3 **By Mark L. Nations, Chief Deputy (Bar # 101838)**
 4 **Administrative Center**
 5 **1115 Truxtun Avenue, Fourth Floor**
 6 **Bakersfield, California 93301**
 7 **Telephone: (661) 868-3800**

8 **Attorney for Defendants, County of Kern, et al.**
 9 **and Cross-Defendant County of Kern**

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 **JAMES W. MOORE, Jr., a minor, by**
 13 **and through his Guardian ad Litem,**
 14 **ALICIA MOORE, individually and as**
 15 **Successor in Interest of JAMES W.**
 16 **MOORE, Deceased,**

17 **Plaintiff,**

18 **v.**

19 **COUNTY OF KERN, KERN COUNTY**
 20 **SHERIFF'S DEPARTMENT, SHERIFF**
 21 **MACK WIMBISH, DANIEL THOMAS**
 22 **LINDINI, RALPH CONTRERAS,**
 23 **ROXANNE FOWLER, ANGEL LOPEZ**
 24 **BRAVO, LISA DIANE ROMERO,**
 25 **RANDALL HOLTZ, JULIAN TREVINO,**
 26 **LARRY GENE JOHNSON, GREGORY**
 27 **MORGAN, SHANNON HAIUNGS,**
 28 **JAIME TELLEZ, MARK JIMENEZ,**
MOSES ADAME, CLINTON MINOR,
GREGORY COSSEL, JEFF COLBERT,
MARCUS HUDGINS, and DOES 1 -
100, inclusive,

Defendants.

CASE NO.1:05-CV-01115 AWI SMS
 (Consolidated with Case No. 1:06-CV-
 00120 AWI SMS)

**STIPULATION TO CONTINUE PRE-
 TRIAL AND TRIAL DATES; ORDER**

And Related Cross-Action

Plaintiffs by and through their counsel of record and all defendants by and through their counsel of record stipulate as follows:

1. The parties have entered into a global settlement of this litigation. Plaintiffs are

1 engaged in the process of securing court approval of the proposed minors' compromises.

2 2. All parties but three have signed the settlement agreement and release
3 documents. The three who have yet to sign the settlement agreement and release are:
4 Roxanne Fowler, Angel Lopez Bravo and Ralph Contreras. Procurement of their signatures
5 is still being pursued.

6 3. There is still pending a criminal prosecution of three of the defendants: Fowler,
7 Lindini and Contreras.

8 4. Given the settlement of the case and pending criminal prosecution, the parties
9 agree that the current pre-trial and trial dates are untenable and, assuming the settlement
10 is approved by the court and the remaining parties, will prove to be unnecessary.

11 5. Therefore, the parties agree that the current pre-trial date of August 11, 2009 may
12 be postponed to January 12, 2010 or whatever other date is selected by the court in light of
13 this stipulation and current status of the case.

14 6. The parties further agree that the current trial date of October 6, 2009 may be
15 postponed to March 2, 2010 or whatever other date is selected by the court in light of this
16 stipulation and current status of the case.

17 7. The parties agree that this stipulation may be signed in counterpart.

18 Dated: July 29, 2009

OFFICE OF KERN COUNTY COUNSEL

19
20 By /s/ Mark L. Nations

21 Mark L. Nations, Chief Deputy
22 Attorney for Defendants, County of Kern, Kern
23 County Sheriff's Dept., Sheriff Mack Wimbish,
Moses Adame, Gregory Cossel and Mark
Jimenez

24 Dated: July 30, 2009

RODRIGUEZ & ASSOCIATES

25
26 By /s/ Marshall Scott Fontes for

27 Daniel Rodriguez, Esq.
28 Attorney for Plaintiffs Bryce J. Moore, by and
through his guardian ad litem Michelle Tripp,
individually and as a successor in interest
of James W. Moore, Deceased

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Dated: July 30, 2009

CHAIN YOUNGER, et al.

By /s/ David K. Cohn
David K. Cohn, Esq.
Attorney for Plaintiffs James W. Moore, Jr.,
by and through his guardian ad litem Alicia
Moore, individually and as a successor in
interest of James W. Moore, Decedent

Dated: July 29, 2009

ROBINSON & KELLAR

By /s/ Oliver U. Robinson
Oliver U. Robinson, Esq.
Attorney for Defendants, Shannon Haiungs,
Larry Johnson and Julian Trevino

Dated: July 30, 2009

WALL, WALL & PEAKE

By /s/ Larry F. Peake
Larry F. Peake, Esq.
Attorney for Defendants, Gregory Morgan,
Jaime Tellez and Clinton Minor

Dated: July 29, 2009

PATTERSON, RITNER, LOCKWOOD, et al.

By /s/ John A. Jurich
John A. Jurich, Esq.
Attorney for Defendants Jeffrey Colbert and
Marcus Hudgins

Dated: July 30, 2009

KLEIN, DENATALE, GOLDNER, et al.

By /s/ Ned E. Dunphy for
William A. Bruce, Esq.
Attorney for Defendants Roxanne Fowler and
Angel Lopez Bravo

Dated: July 29, 2009

CALIFORNIA ORGANIZATION OF POLICE AND
SHERIFFS

By /s/ Larry Alan Katz
Larry Alan Katz, Esq.
Louis D. Silver, Esq.
Attorney for Defendant Daniel Lindini

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Dated: July 29, 2009

McCORMICK, BARSTOW, SHEPPARD, et al.

By /s/ Daniel L. Wainwright
Daniel L. Wainwright, Esq.
Attorney for Defendant Ralph Contreras

Dated: July 29, 2009

WEAKLEY, RATLIFF, ARENDT et al.

By /s/ James Arendt for
James D. Weakley, Esq.
Attorney for Defendant Randall Holtz

Dated: July 30, 2009

LAW OFFICES OF JAY JAMIESON

By /s/ Jay Jamieson
Jay Jamieson, Esq.
Attorney for Defendant Lisa Romero

ORDER

The parties having stipulated thereto and good cause appearing therefor, IT IS
HEREBY ORDERED:

The scheduling order currently in effect in these consolidated cases shall be modified
as follows:

- 1. The Pre-Trial Conference is hereby continued to January 12, 2010.
- 2. The Trial date is hereby continued to March 2, 2010.

IT IS SO ORDERED.

Dated: August 3, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE