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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

C.B., a minor,	)	1:09-cv-0285 OWW DLB
	)	
Plaintiff,	)	ORDER AFTER SCHEDULING
	)	CONFERENCE
v.	)	
	)	Further Scheduling
SONORA SCHOOL DISTRICT; KAREN	)	Conference Date: 12/11/09
SINCLAIR; CITY OF SONORA; CHIEF	)	8:15 Ctrm. 2
OF POLICE MACE MCINTOSH; OFFICER	)	
HAL PROCK; DOES 1-10,	)	
	)	
Defendants.	)	
	)	
	)	

I. Date of Scheduling Conference.  
October 2, 2009.

II. Appearances Of Counsel.  
Christine Hopkins, Esq., appeared on behalf of Plaintiff.  
Alesa Schachter, Esq., and Jason M. Sherman, Esq., appeared  
on behalf of Defendants Sonora School District and Karen  
Sinclair.

Cornelius J. Callahan, Esq., appeared on behalf of  
Defendants City of Sonora, Chief of Police Mace McIntosh, and  
Officer Hal Prock.

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1 III. Summary of Pleadings.

2 1. Plaintiff filed his initial Complaint in the Tuolumne  
3 County Superior Court on January 5, 2009, alleging nine causes of  
4 action. Defendants removed the case to the Eastern District  
5 Court on the basis of federal question jurisdiction. 28 U.S.C.  
6 § 1441(b) (2002).

7 2. Plaintiff's Complaint alleges nine claims for relief  
8 for: (1) violation of the Unruh Civil Rights Act (against  
9 Defendant Sonora School District); (2) false imprisonment  
10 (against Defendants Chief of Police Mace McIntosh, Officer Hal  
11 Prock, City of Sonora); (3) battery (against Defendants Chief of  
12 Police Mace McIntosh, Officer Hal Prock, City of Sonora); (4)  
13 intentional infliction of emotional distress (against all  
14 Defendants); (5) violation of § 504 of the Rehabilitation Act of  
15 1973 (against Defendant Sonora School District); (6) violation of  
16 Title II of the Americans with Disabilities Act (ADA) (against  
17 Defendant Sonora School District); (7) 42 U.S.C. § 1983 (against  
18 Defendant Karen Sinclair, sued in her individual capacity); (8)  
19 excessive force in violation of 42 U.S.C. § 1983 and the United  
20 States Constitution (against Defendants Chief of Police Mace  
21 McIntosh and Officer Hal Prock, sued in their individual  
22 capacities; (9) 42 U.S.C. § 1983 Monell claim (against Defendant  
23 City of Sonora).

24 3. Plaintiff alleges he suffers from a mood disorder and  
25 attention deficit hyperactivity disorder. (¶10.) Plaintiff  
26 alleges he had an Individual Education Plan ("IEP") and a section  
27 504 plan concerning his education with the District. (¶10.)  
28 Plaintiff alleges that his IEP and 504 plans included specific

1 behavioral interventions in the event that Plaintiff should "shut  
2 down" or become unresponsive to school staff. (§11.) Plaintiff  
3 alleges that during a "shut down," the IEP and 504 plans included  
4 interventions for Plaintiff to go to "safe zones," and if all  
5 else fails, to contact Plaintiff's parents or other relatives or  
6 friends. (§11.)

7 4. Plaintiff alleges that as a result of his disabilities  
8 on September 29, 2008, Plaintiff "shut down" and became  
9 unresponsive to school staff. (§12.) Plaintiff alleges that  
10 Defendant Sinclair threatened to call the police if Plaintiff did  
11 not follow instructions, and that Defendant Sinclair then did  
12 instruct a school receptionist to call the police. (§13.)

13 5. Plaintiff alleges that upon arrival, the police found  
14 Plaintiff sitting quietly on a bench on school grounds with his  
15 head down. (§15.) Plaintiff alleges that the police handcuffed  
16 Plaintiff, placed him in their patrol car, drove Plaintiff to his  
17 uncle's location, and left Plaintiff in the custody of his uncle.  
18 (§16.)

19 6. Plaintiff's legal contentions are that the District  
20 discriminated against him on the basis of his disability, and the  
21 City used excessive force. The City Defendants contend that the  
22 officers' actions were objectively reasonable and that the City  
23 of Sonora's policies, if any, are reasonable and non-  
24 discriminatory. The District Defendants contend that their  
25 actions were objectively reasonable and non-discriminatory.

#### 26 IV. Mediation.

27 1. The parties recognize that a mediation effort is in the  
28 best interest of all and the interest of justice. Accordingly,

1 this Scheduling Conference is continued to December 11, 2009, at  
2 8:15 a.m. The parties are authorized to appear telephonically.

3 V. Status Report.

4 1. The parties shall, prior to the Scheduling Conference,  
5 notify the Court as to the status of their mediation efforts and  
6 whether additional time is or is not needed.

7 2. The parties shall supplement their Scheduling  
8 Conference Statement, in the event the case does not resolve, to  
9 provide the parties' positions on amendment of the pleadings and  
10 an amended schedule for ultimate judicial disposition of the  
11 case.

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IT IS SO ORDERED.

Dated: October 2, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE