

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

C.B., a minor,

Plaintiff,

v.

SONORA SCHOOL DISTRICT; KAREN
SINCLAIR; CITY OF SONORA; CHIEF
OF POLICE MACE McINTOSH; OFFICER
HAL PROCK; DOES 1-10,

Defendants.

) 1:09-cv-0285 OWW DLB
)
) ORDER AFTER SCHEDULING
) CONFERENCE
)
) Motion to Dismiss Filing
) Deadline: 1/11/10
)
) Opposition Filing Deadline:
) 1/25/10
)
) Reply Filing Deadline:
) 2/1/10
)
)
) Motion to Dismiss Hearing
) Date: 3/8/10 10:00 Ctrm. 3

I. Date of Scheduling Conference.
December 11, 2009.

II. Appearances Of Counsel.
Christine Hopkins, Esq., appeared on behalf of Plaintiff.
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.

///

1 III. Status of Case.

2 1. A tentative settlement has been reached between the
3 School Defendants, including Sonora School District and Karen
4 Sinclair, that is contingent on approval of a Petition for
5 Minor's Compromise and an order approving a stipulation for
6 determination of good faith settlement. The Petition for Minor's
7 Compromise has already been filed and is scheduled to be heard
8 before Magistrate Judge Dennis Beck on January 8, 2010. The
9 District will be circulating a stipulation for determination of
10 good faith settlement within the next month and will submit it to
11 the court for approval as soon as it has been executed by the
12 parties. Counsel for City of Sonora Defendants has stated that
13 City Defendants will execute said stipulation. After the
14 stipulation is approved and the Minor's Compromise is approved,
15 Plaintiff C.B. will file a request for dismissal with prejudice
16 of the District and Ms. Sinclair.

17 2. The settling parties shall provide the court with
18 settlement documents within twenty (20) days after entry of the
19 Order Approving Minor's Compromise.

20 3. The balance of action: The Plaintiff intends to file a
21 First Amended Complaint on or before December 18, 2009.

22 Filing of First Amended Complaint as to City of Sonora
23 Defendants:

24 1. No settlement was reached between Plaintiff C.B. and
25 the City of Sonora Defendants, including the City of Sonora,
26 Chief Mace McIntosh, and Officer Hal Prock.

27 2. Plaintiff C.B. intends to submit a First Amended
28 Complaint by December 18, 2009. Plaintiff C.B. does not intend,

1 according to the settlement with the Sonora School District and
2 Karen Sinclair, to amend the causes of action alleged against the
3 settling Defendants. Plaintiff C.B. intends to solely amend the
4 causes of action against the non-settling Defendants, including
5 additional information about the handcuffing to which Plaintiff
6 was subjected, and including additional information supporting
7 Plaintiff's position that such handcuffing was not justifiable
8 under the totality of the circumstances.

9 IV. Motion to Dismiss.

10 1. The Defendants intend to move to dismiss the amended
11 complaint and will file a Rule 12(b)(6) and related motions by
12 January 11, 2010. The opposition shall be filed on or before
13 January 25, 2010. Any reply shall be filed on or before February
14 1, 2010. The hearing date on the motion to dismiss will be March
15 8, 2010, at 10:00 a.m. in Courtroom 3.

16 V. Motions - Hard Copy.

17 1. The parties shall submit one (1) courtesy paper copy to
18 the Court of any motions filed that exceed ten pages and any
19 motions that have exhibits attached. Exhibits shall be marked
20 with protruding numbered or lettered tabs so that the Court can
21 easily identify such exhibits.

22 VI. Compliance With Federal Procedure.

23 1. The Court requires compliance with the Federal
24 Rules of Civil Procedure and the Local Rules of Practice for the
25 Eastern District of California. To aid the court in the
26 efficient administration of this case, all counsel are directed
27 to familiarize themselves with the Federal Rules of Civil
28 Procedure and the Local Rules of Practice of the Eastern District

1 of California, and keep abreast of any amendments thereto.

2

3 IT IS SO ORDERED.

4 Dated: December 11, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28