

1 Robert A. Naeve (State Bar No. 106095)
rnaeve@jonesday.com
2 Cary D. Sullivan (State Bar No. 228527)
carysullivan@jonesday.com
3 JONES DAY
3161 Michelson Drive, Suite 800
4 Irvine, CA 92612.4408
Telephone: +1.949.851.3939
5 Facsimile: +1.949.553.7539

6 Nathaniel P. Garrett (State Bar No. 248211)
ngarrett@jonesday.com
7 JONES DAY
555 California Street, 26th Floor
8 San Francisco, CA 94104-1500
Telephone: +1.415.626.3939
9 Facsimile: +1.415.875.5700

10 Attorneys for Defendants
TAMARAH HARBER-PICKENS, in her
11 official capacity as Court Executive Officer /
12 Clerk of the Superior Court of California,
County of Kern; and HON. JUDITH K.
13 DULCICH, in her official capacity as
Presiding Judge of the Superior Court of
14 California, County of Kern

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
17 FRESNO DIVISION
18

19 AMERICAN CIVIL LIBERTIES
20 UNION OF SOUTHERN
CALIFORNIA, et al.,

21 **Plaintiffs,**

22 **v.**

23 TAMARAH HARBER-PICKENS, et al.,

24 **Defendants.**
25
26
27
28

Case No. 1:20-cv-00889-DAD-JLT

**STIPULATION AND [~~PROPOSED~~]
ORDER TO EXTEND COURT
DEFENDANTS' RESPONSIVE
PLEADING DEADLINE AND THE
PARTIES' DEADLINE TO FILE JOINT
SCHEDULING REPORT**

(Doc. 27)

1 Defendants Tamarah Harber-Pickens, in her official capacity as Court Executive Officer /
2 Clerk of the Superior Court of California, County of Kern, and Hon. Judith K. Dulcich, in her
3 official capacity as Presiding Judge of the Superior Court of California, County of Kern
4 (collectively “KCSC”), and Plaintiffs American Civil Liberties Union of Southern California,
5 First Amendment Coalition, Kilah Oats, Lotisha Davidson, Tanisha Brown, Tameca Spriggs, and
6 Janie Randle hereby stipulate to 1) extend KCSC’s deadline to file a responsive pleading until
7 November 3, 2020; and 2) extend the parties’ deadline to file a joint scheduling report until
8 November 3, 2020.

9 1. On June 26, 2020, the Court set a Mandatory Scheduling Conference in this matter
10 for September 22, 2020. (Dkt. No. 3.)

11 2. On July 14, 2020, counsel for KCSC executed and Plaintiffs filed a Waiver of the
12 Service of Summons, which set KCSC’s deadline to file a responsive pleading in this matter at 60
13 days from July 14, 2020 – or September 14, 2020. (Dkt. No. 19.)

14 3. On September 8, 2020, upon the parties’ stipulation, the Court ordered: 1) a
15 continuance of the Mandatory Scheduling Conference until October 20, 2020; 2) a similar
16 continuance of the parties’ respective Rule 26 obligations; and 3) an extension of the deadline for
17 the defendants to file a responsive pleading until October 20, 2020. (Dkt. No. 25.)

18 4. On October 15, 2020, the Court vacated the Mandatory Scheduling Conference set
19 for October 20, 2020, and ordered the parties to submit a joint scheduling report by October 21,
20 2020. (Dkt. No. 26.)

21 5. KCSC recently completed installation of live audio streaming services in all active
22 courtrooms in the Superior Court of California, County of Kern such that it can balance the need
23 to maintain physical distancing in light of the COVID-19 pandemic with the public right of access
24 to court proceedings.

25 6. Pursuant to a Standing Order re Access to Court Proceedings During The COVID-
26 19 Pandemic And Availability Of Audio Live Streaming, effective October 1, 2020, Presiding
27 Judge Dulcich announced the availability of live audio streaming for all active courtrooms in the
28 Superior Court of California, County of Kern.

1 7. Now that live audio streaming is available for all active courtrooms in the Superior
2 Court of California, County of Kern, the parties believe their time and efforts are best served by
3 working to resolve this matter amicably, rather than preparing for litigation and trial. The parties
4 further believe these proposed extensions will give them sufficient time in which to do so.

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the
6 Court's approval, as follows:

7 1. KCSC's deadline to file a responsive pleading shall be extended to November 3,
8 2020; and

9 2. The parties' deadline to file a joint scheduling report shall be extended to
10 November 3, 2020;

11 **IT IS SO STIPULATED.**

12 Dated: October 16, 2020

JONES DAY

13 /s/ Robert A. Naeve

14 Robert A. Naeve
15 Cary D. Sullivan
16 Nathaniel P. Garrett

17 Attorneys for Defendants
18 TAMARAH HARBER-PICKENS, in her
19 official capacity as Court Executive Officer
20 of the Superior Court of California, County
21 of Kern; and HON. JUDITH K. DULCICH,
22 in her official capacity as Presiding Judge of
23 the Superior Court of California, County of
24 Kern

21 Dated: October 16, 2020

ACLU FOUNDATION OF NORTHERN
CALIFORNIA

23 /s/ Kathleen Guneratne (as authorized on
24 10/16/2020)

25 Kathleen Guneratne
26 Amy Gilbert

27 Attorneys for Plaintiffs
28 ACLU OF SOUTHERN CALIFORNIA,
KILAH OATS, LOTISHA DAVIDSON,
TANISHA BROWN, TAMECA
SPRIGGS, and JANIE RANDLE

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

Dated: October 16, 2020

AMERICAN CIVIL LIBERTIES UNION
OF SOUTHERN CALIFORNIA

/s/ Peter Eliasberg (as authorized on
10/16/2020)

Peter Eliasberg
Jordan Wells

Attorneys for Plaintiffs
ACLU OF SOUTHERN CALIFORNIA,
KILAH OATS, LOTISHA DAVIDSON,
TANISHA BROWN, TAMECA
SPRIGGS, and JANIE RANDLE

Dated: October 16, 2020

FIRST AMENDMENT COALITION

/s/ David Edward Snyder (as authorized on
10/16/2020)

David Edward Snyder

Attorneys for Plaintiff
FIRST AMENDMENT COALITION

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

PROPOSED ORDER

Based upon the parties' stipulation, and for good cause shown, the Court **ORDERS**:

1. KCSC's deadline to file a responsive pleading shall be extended to November 3, 2020; and
2. The parties' deadline to file a joint scheduling report shall be extended to November 3, 2020;
3. The mandatory scheduling conference is set on November 10, 2020 at 8:30 a.m.

IT IS SO ORDERED.

Dated: October 16, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE