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14 Attorneys for Defendants, THE COUNTY OF
 15 YUBA, YUBA COUNTY DISTRICT ATTORNEY
 16 PATRICK MCGRATH, YUBA COUNTY DEPUTY
 17 DISTRICT ATTORNEY MELANIE BENDORF,
 18 FORMER YUBA COUNTY DEPUTY DISTRICT
 19 ATTORNEY JOHN VACEK, YUBA COUNTY
 20 DISTRICT ATTORNEY INVESTIGATOR MARY
 21 BARR AND YUBA COUNTY DISTRICT
 22 ATTORNEY INVESTIGATOR GENE STOBER
 23 *[Exempt from Filing Fees Pursuant to*
 24 *Government Code § 6103]*

19 **UNITED STATES DISTRICT COURT**
 20 **EASTERN DISTRICT OF CALIFORNIA**

21 JESSE I. SANTANA AND DAVID
 22 VASQUEZ,

CASE NO. 2:15-cv-00794-KJM-EFB

23 Plaintiff,

**STIPULATION TO MODIFY
 SCHEDULING ORDER AND FOR LEAVE
 FOR PLAINTIFFS TO FILE THIRD
 AMENDED COMPLAINT; [PROPOSED]
 ORDER**

24 v.
 25 THE COUNTY OF YUBA, YUBA COUNTY
 26 DISTRICT ATTORNEY PATRICK
 27 MCGRATH, YUBA COUNTY DEPUTY
 28 DISTRICT ATTORNEY MELANIE
 BENDORF, FORMER YUBA COUNTY
 DEPUTY DISTRICT ATTORNEY JOHN
 VACEK, YUBA COUNTY DISTRICT
 ATTORNEY INVESTIGATOR MARY BARR,
 YUBA COUNTY DISTRICT ATTORNEY

Complaint Filed: 04/13/2015
 1st Amended Complaint filed: 04/22/2015
 2nd Amended Complaint filed: 09/09/2016

1 INVESTIGATOR GENE STOBER, THE CITY
2 OF MARYSVILLE, MARYSVILLE POLICE
3 DEPARTMENT, MARYSVILLE POLICE
4 OFFICER RANDALL ELLIOT, YUBA
5 COUNTY SUPERIOR COURT JUDGE JULIA
6 SCROGIN, TIMOTHY J. EVANS, AND DOES
7 1 THROUGH 20, inclusive;

8 Defendants.

9 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs JESSE I.
10 SANTANA and DAVID VASQUEZ, and Defendants THE COUNTY OF YUBA, YUBA COUNTY
11 DISTRICT ATTORNEY PATRICK MCGRATH, YUBA COUNTY DEPUTY DISTRICT
12 ATTORNEY MELANIE BENDORF, FORMER YUBA COUNTY DEPUTY DISTRICT
13 ATTORNEY JOHN VACEK, YUBA COUNTY DISTRICT ATTORNEY INVESTIGATOR MARY
14 BARR, YUBA COUNTY DISTRICT ATTORNEY INVESTIGATOR GENE STOBER, and
15 Defendant TIM EVANS (collectively, the “Parties”), by and through their undersigned Counsel,
16 pursuant to Local Rules 143 and 144 as follows:

17 1. On January 9, 2018, following the Mid-Litigation Status Conference, the Court issued
18 an order vacating all dates. At that time, the Court ordered the parties to participate in the Court’s
19 VDRP process, and further ordered no summary judgment motions be filed until that process was
20 completed. The Court issued an Order extending the dispositive motion deadline from March 9, 2018
21 to April 20, 2018 in order to allow for the VDRP process to be completed. See Doc. No. 86.

22 2. On January 17, 2018, the District Court appointed James R. Kirby II, of
23 Nageley Kirby & Winberry LLP, as the VDRP Neutral Attorney. See Doc. No. 87. On January 30,
24 2018, a Notice of Withdrawal was filed terminating James Kirby as the VDRP Neutral due to a conflict
25 of interest. Doc. No. 88. On February 16, 2018, the Court appointed Van Longyear, of Longyear O’Dea
26 & Lavra, as the VDRP Neutral Attorney. Doc. No. 90. At this time, Mr. Longyear has not contacted the
27 parties about setting up a VDRP conference.

28 2. The Parties respectfully request the District Court modify the deadline for dispositive
motions to be filed, moving the deadline for such motions to be filed to June 29, 2018, in order to give
the parties time to complete the VDRP process. No other deadlines would be changed.

1 3. The reason for this request is three-fold. First, the Parties seek to move the dispositive
2 motion deadline to allow the parties to complete the VDRP process that is currently underway with the
3 recently appointed VRDP mediator, Van Longyear. Based on counsel’s trial calendar in the coming
4 months, the Parties require additional time to complete that process and meaningfully evaluate the
5 potential for the case to resolve in advance of filing dispositive motions. The Parties will be
6 coordinating to set the VDRP session with Mr. Longyear’s office. As of the date of filing of this
7 motion, a VDRP date has not yet been confirmed.

8 4. In addition, counsel for Plaintiffs and Defendants continue to meet and confer regarding
9 the Yuba County Defendants’ proposed grounds for a motion for summary judgment. As part of that
10 continued meet and confer effort, Plaintiffs have requested that Defendants stipulate to the filing of a
11 Third Amended Complaint to augment the factual allegations in support of their “stigma-plus” claim
12 for relief against the Yuba County Defendants. A true and correct copy of the proposed Third Amended
13 Complaint is attached hereto as **Exhibit A**. A true and correct copy of a “red-lined” version of the
14 Third Amended Complaint, which details the exact allegations that Plaintiffs would like to add and the
15 dismissal of the third claim is attached hereto as **Exhibit B**. For convenience of the court, the proposed
16 amended language appears on page **19** at paragraph 69, line 11 (“..., *in connection with said*
17 *unconstitutional investigation and prosecution*”; and at paragraph 70, line 21 (*and caused significant*
18 *damage to their law practices*)).

19 5. It is further stipulated by the Parties that there is no need for additional responsive
20 pleadings to be filed by the Defendants and the response(s) to paragraph 69 and 70 of the Third
21 Amended Complaint as set forth in the respective answer of the party defendants shall apply to the
22 additional allegations set forth above.

23 6. Continuance of the deadline for filing dispositive motions will serve the interests of
24 justice and judicial resources as it will allow the parties to complete the VDRP process as well as fully
25 complete their meet and confer efforts on all proposed dispositive motions, and allow Plaintiffs to file
26 their proposed Third Amended Complaint.

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1 7. Counsel has conferred about the timing issues that may affect the remainder of the case
2 and have jointly agreed upon the above and now seek court approval.

3 Dated: March 8, 2018

LAW OFFICE OF MORALES & LEANOS

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5 By: /s/ Jaime A. Leanos
6 JAIME A. LEANOS
 Attorneys for Plaintiffs

7 Dated: March 8, 2018

PORTER SCOTT
A PROFESSIONAL CORPORATION

9
10 By: /s/ Lauren E. Calnero
11 Carl L. Fessenden
12 Lauren E. Calnero
13 Attorneys for Defendants THE COUNTY OF
14 YUBA, YUBA COUNTY DISTRICT
15 ATTORNEY PATRICK MCGRATH, YUBA
16 COUNTY DEPUTY DISTRICT ATTORNEY
17 MELANIE BENDORF, FORMER YUBA
18 COUNTY DEPUTY DISTRICT ATTORNEY
19 JOHN VACEK, YUBA COUNTY DISTRICT
20 ATTORNEY INVESTIGATOR MARY BARR,
21 YUBA COUNTY DISTRICT ATTORNEY
22 INVESTIGATOR GENE STOBER

23 Dated: March 8, 2018

HANSEN, KOHLS, SOMMER & JACOB, LLP

24 By: /s/ Jason Sommer
25 Jason Sommer
26 Attorney for Defendant Timothy Evans
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1 **ORDER**

2 Having reviewed the above stipulation and good cause appearing therefore, IT IS HEREBY
3 ORDERED that the Scheduling Conference Order be modified as follows:

4 1. The deadline for filing dispositive motions will be moved from April 20, 2018 to June
5 29, 2018.

6 2. Plaintiffs may file their proposed Third Amended Complaint, attached hereto as
7 Exhibit A.

8 3. The prior answers filed by Defendants will be deemed the responsive pleadings filed in
9 response to the Third Amended Complaint.
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11 IT IS SO ORDERED.

12 DATED: March 8, 2018.

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15 UNITED STATES DISTRICT JUDGE
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