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12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ROSALETY BARNETT, PETER  
 16 MORGANELLI, and all others similarly  
 17 situated,

18 Plaintiffs,

19 v.

20 COUNTY OF CONTRA COSTA,  
 CONTRA COSTA COUNTY SHERIFF'S  
 21 DEPARTMENT, CONTRA COSTA  
 COUNTY SHERIFF WARREN RUPF,  
 individually and in his official capacity,  
 22 CONTRA COSTA COUNTY SHERIFF'S  
 DEPUTIES DOES 1 THROUGH 100, and  
 23 ROES 1 THROUGH 20, INCLUSIVE,

24 Defendants.

Case No. C 04-04437 TEH

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE BRIEFING AND HEARING  
 SCHEDULE FOR: (1) WITHDRAWAL  
 OF PENDING OPPOSITION TO CLASS  
 REVISIONS TO CLASS CERTIFICATION;  
 (2) LEAVE TO FILE REVISED  
 OPPOSITION FOR CLASS  
 CERTIFICATION; AND REVISED  
 BRIEFING SCHEDULE AND HEARING  
 FOR PLAINTIFFS' MOTION FOR  
 CLASS CERTIFICATION**

Place: 450 Golden Gate Ave.  
 Courtroom 12, 19th Floor  
 Judge: Hon. Thelton E. Henderson

1 **RECITALS**

2 **WHEREAS**, on September 11, 2009, this Court issued an Order in the above-captioned  
3 action (the "Action") requiring the Defendants to refile a revised Opposition to Class Certification  
4 (the "Opposition") redacting all confidential information on the Opposition and any exhibits  
5 attached by thereto in compliance with Local Rule of Court 3-17 by September 18, 2009, and  
6 admonishing the parties to comply with Local Rule 3-17 with respect to all future filings in the  
7 Action (the "Redaction Order") (*see* "Docket No. 156");

8 **WHEREAS**, on September 11, 2009, The court issued an Order denying Defendants'  
9 Partial Motion for Summary Judgment against Adeline Chan (the "Chan MSJ") and inviting  
10 Defendants to seek leave to file a revised Opposition (the "Revised Opposition") in light of its  
11 ruling on the Chan MSJ (The "Chan Order") (*see* "Docket No. 157"); and

12 **WHEREAS**, on September 14, Counsel for Plaintiffs and Defendants met and conferred  
13 and reached an agreement regarding compliance with the Redaction and Chan Orders.

14 **The Parties respectfully submit this Stipulation and Proposed Order under Local**  
15 **Rules of Court 6-1(b), 6-2, and 7-12:**

16 **STIPULATION**

17 NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

18 1. Defendants' pending Opposition shall be withdrawn and any and all information  
19 protected by Local Rule of Court 3-17 shall be returned to Defendants and/or destroyed and  
20 deleted from the Court's docket;

21 2. Defendants shall be granted leave to file the Revised Opposition to Plaintiffs'  
22 pending Motion for Class Certification without prejudice to renewal or addition of any existing  
23 arguments or evidence in light of the Chan Order on or before October 2, 2009;

24 3. Plaintiffs shall file their Reply in support of their Motion for Class Certification on  
25 or before October 9, 2009;

26 4. All future filing in this Action, including the Defendants' Revised Opposition and  
27 Plaintiffs' Reply, shall redact, file under seal or take any other steps required to protect any  
28 confidential information governed by Local Rule of Court 3-17, any other applicable privacy

1 laws, or any protective order entered by the Court in the Action at the time of the filings; and

2 5. The hearing for the Class Certification Motion shall be scheduled for October 19,  
3 2009, at 10:00 a.m. before this Court in Courtroom 12 or at such other time as the Court is able to  
4 conduct such hearing.

5 Dated: September 18, 2009

BINGHAM MCCUTCHEN LLP

6  
7  
8 By: 

Peter Obstler

9 Attorneys for Defendants  
10 County of Contra Costa, Contra Costa County  
Sheriff's Department, and Contra Costa County  
Sheriff Warren Rupf

11 Dated: September 18, 2009

LAW OFFICE OF MARK E. MERIN

12  
13  
14 By: 

15 Mark E. Merin  
16 Attorneys for Plaintiffs

17 ~~PROPOSED~~ ORDER

18 Good cause appearing, PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

19 The hearing shall occur on October 26, 2009 at 10:00 AM.

