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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ROSALETY BARNETT, PETER  
MORGANELLI, and all others similarly  
situated,

Plaintiffs,

Case No. C 04-04437 TEH

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO:**

**(1) EXTEND DEADLINE TO GIVE**

STIPULATION AND [PROPOSED] ORDER TO (1)  
EXTEND DEADLINE TO GIVE NOTICE; AND (2)  
CONTINUE THE FEBRUARY 7, 2010 CMC

1 v.  
2  
3 COUNTY OF CONTRA COSTA,  
4 CONTRA COSTA COUNTY SHERIFF'S  
5 DEPARTMENT, CONTRA COSTA  
6 COUNTY SHERIFF WARREN RUPF,  
7 individually and in his official capacity,  
8 CONTRA COSTA COUNTY SHERIFF'S  
9 DEPUTIES DOES 1 THROUGH 100, and  
10 ROES 1 THROUGH 20, INCLUSIVE,  
11  
12 Defendants.

**NOTICE TO POTENTIAL CLASS  
MEMBERS; AND**

**(2) CONTINUE THE FEBRUARY 8, 2010  
CASE MANAGEMENT CONFERENCE  
PENDING MEDIATION**

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

11 Representative Plaintiff Adeline Chan, on behalf of herself and others similarly situated  
12 ("Plaintiffs") and Defendants Contra Costa County and Sheriff Warren Rupf (Collectively  
13 "Contra Costa") jointly and respectfully submit this Stipulation and Proposed Order in the above  
14 captioned action (the "Action") under Local Rules of Court 7-12.

**RECITALS**

15  
16 **WHEREAS**, on November 3, 2009, this Court issued an Order Granting Plaintiffs'  
17 Motion for Class Certification ("Class Certification Order"), certifying a class of individuals  
18 arrested and detained in connection with criminal misdemeanor offenses not involving weapons,  
19 drugs, or violence between October 20, 2002 and June 1, 2003;

20 **WHEREAS**, in the Class Certification Order, this Court scheduled the next case  
21 management conference for February 8, 2010, and for the parties to meet and confer and file a  
22 joint case management statement on or before February 1, 2010;

23 **WHEREAS**, pursuant to the Class Certification Order, the parties submitted and this  
24 Court signed on November 30, 2009, the Notice of Pendency of Class Action ("Notice"), which  
25 provides that any individual not wishing to be considered a member of the class or not wishing to  
26 be represented by plaintiff in this action must mail a letter to Plaintiffs' counsel postmarked on or  
27 before January 31, 2010 ("Opt-Out Deadline") requesting exclusion from the class;

28 **WHEREAS**, Plaintiffs and Contra Costa have agreed to and are scheduled to engage in

1 mediation before the Honorable Fern Smith (ret.) of JAMS on March 24-25, 2010.

2 **WHEREAS**, the parties have agreed that it is in the best interests of Plaintiffs and Contra  
3 Costa to defer publication of Notice to potential members of the class until after engaging in  
4 mediation to allow the parties to reach material terms that will form the basis for submission of a  
5 proposed court-approved settlement agreement that resolves all issues, including the threshold  
6 issue of the number of individuals who potentially fall within the definition of the class who  
7 should receive Notice.

### 8 **STIPULATION**

9 **Now, therefore, Plaintiffs and Contra Costa Stipulate and respectfully request that**  
10 **the Court enter the Proposed Order that:**

11 1. The case management conference currently scheduled for February 8, 2010 shall  
12 be continued until a date after the March 24-25, 2010 mediation has concluded, at a time  
13 convenient for the Court (the "CMC Date").

14 2. Seven days prior to the CMC Date set by the Court, the parties will submit a joint  
15 case management statement notifying the Court either that (i) the Parties have reached a  
16 settlement in principal and are requesting a settlement approval schedule, including submission of  
17 proposed deadlines for Notice, obtaining the approvals of the Contra Costa's Board of  
18 Supervisors, and dates for the preliminary and final approval hearings by the Court; or (ii) the  
19 parties have been unable to reach a settlement in principal because of certain unresolved issues  
20 and a schedule and proposal for how the parties propose to resolve the remaining issues  
21 precluding final settlement, if any.

22 //

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28 //

1           3. The Opt-Out Deadline shall be extended from January 31, 2010 to a date to be  
2 jointly requested by the Parties in their joint case management statement after the March 24-25,  
3 2010 mediation.

4  
5 Dated: January 25, 2010

BINGHAM MCCUTCHEN LLP

6  
7 By:                     /s / Peter Obstler                      
8 Peter Obstler  
9 Attorneys for Defendants  
County of Contra Costa, Contra Costa County  
Sheriff's Department, and Contra Costa County  
Sheriff Warren Rupf

10  
11 Dated: January 25, 2010

LAW OFFICE OF MARK E. MERIN

12  
13 By:                     /s / Mark E. Merin                      
14 Mark E. Merin  
Attorneys for Plaintiffs

15  
16 Dated: January 25, 2010

CASPER, MEADOWS, SCHWARTZ &  
COOK

17  
18 By:                     /s / Andrew C. Schwartz                      
19 Andrew C. Schwartz  
20 Attorneys for Plaintiffs

21  
22 **~~PROPOSED~~ ORDER**

23  
24 Good cause appearing, PURSUANT TO THE STIPULATION, IT IS SO ORDERED.  
25 The case management conference is continued  
26 to April 12, 2010 at 1:30 p.m.

