

1 Mark E. Merin (SBN 043849) – mark@markmerin.com
 Cathleen A. Williams (SBN 068029) – cathleen@markmerin.com
 2 W. Gordon Kaupp (SBN 226141) – gordon@markmerin.com
LAW OFFICES OF MARK E. MERIN
 3 2001 P Street, Suite 100
 Sacramento, California 95814
 4 Telephone: (916) 443-6911
 Facsimile: (916) 447-8336

5 Andrew C. Schwartz (SBN 64578) – schwartz@csmlaw.com
 6 **CASPER, MEADOWS, SCHWARTZ & COOK**
 2121 North California Blvd., Suite 1020
 7 Walnut Creek, CA 94596
 Telephone: (925) 947-1147
 8 Facsimile: (925) 947-1131

9 Attorneys for Plaintiffs

10 PETER OBSTLER (SBN 171623) - peter.obstler@bingham.com
 JEE YOUNG YOU (SBN 241658) - jeeyoung.you@bingham.com
BINGHAM MCCUTCHEN LLP
 11 Three Embarcadero Center
 San Francisco, CA 94111-4067, U.S.A.
 12 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286

13 JAMES V. FITZGERALD, III (SBN 055632) -james.fitzgerald@mcnamaralaw.com
 14 **MCNAMARA, DODGE, NEY, BEATTY,**
SLATTERY, PFALZER & BORGES LLP
 15 1211 Newell Ave.
 Post Office Box 5288
 16 Walnut Creek, CA 94596
 Telephone: (925) 939-5330
 17 Facsimile: (925) 939-0203

18 Attorneys for Defendants

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20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 —o0o—

23 ROSALETY BARNETT, ADELINE CHAN, and
 all others similarly situated,

24 Plaintiffs,

25 vs.

26 COUNTY OF CONTRA COSTA, et al.,

27 Defendants.

CASE NO: C 04-04437 TEH

**STIPULATION AND [PROPOSED]
 ORDER RE: HEARINGS AND
 BRIEFING SCHEDULES**

1 **STIPULATION**

2 Pursuant to the Northern District of California Local Rules 6-1(b), 6-2, and 7-12, Plaintiff
3 Adeline Chan (“Plaintiffs”) and Defendants Contra Costa County, Contra Costa County Sheriff’s
4 Department, and Contra Costa County Sheriff Warren Rupf (“Defendants”), hereby stipulate as follows:

5 WHEREAS, on February 9, 2010, the Ninth Circuit issued its *en banc* decision in *Bull v. City and*
6 *County of San Francisco* 565 F. 3d 964, which all parties agree constituted a change of law necessitating
7 reconsideration of prior rulings in this case, since it articulated a different theory of liability for
8 evaluating whether jail strip searches violate the Fourth Amendment when conducted prior to housing
9 inmates in the general population; and

10 WHEREAS, on March 11, 2010, by minute order, the Court vacated its Case Management
11 Conference date and granted leave to Defendants to file a Motion for Reconsideration of the Defendants’
12 prior motion for summary judgment and Plaintiffs’ Motion for Class Certification; and

13 WHEREAS, on April 5, 2010, Defendants filed a Motion for Reconsideration, and Motion for
14 Summary Judgment; and

15 WHEREAS, the parties stipulate that the Motion for Reconsideration should be granted, and that
16 the Motion for Summary Judgment should be granted as to the claims of Plaintiff Adeline Chan and all
17 members of the class who were only strip searched once prior to housing; and

18 WHEREAS Plaintiffs have determined from discovery already conducted that a portion of the
19 class, namely, approximately 47 female class members, were subjected to a *second* strip search before
20 being housed under Defendants’ uniform policies, the liability for which Defendants dispute as a matter
21 of law and fact; and

22 WHEREAS, Plaintiffs have already identified, located, and received a declaration from a class
23 member, Vanessa Hunt, who seeks to intervene in this action to represent this class of 47 women, and
24 Plaintiffs are preparing a Motion to Amend the Complaint to conform the strip search claim to the theory
25 of liability articulated by *Bull v. San Francisco* and to allow proposed class members to intervene; and

26 WHEREAS the parties have conferred and believe that the most expeditious manner in which to
27 address the impact of *Bull v. San Francisco* on this case is (1) for the Parties to stipulate to the granting
28 of Defendants’ pending Motion for Reconsideration, which is scheduled for May 17, 2010; (2) for the

1 Plaintiff to file a partial non-opposition to Defendants’ pending Motion for Summary Judgment as to all
2 individual and class claims relating to the *initial* prehousing strip search at the jail, which strip searches
3 are governed by *Bull*, reserving the right to file a Motion to Amend the Complaint as to the second,
4 successive strip search of the 47 women which Class Member Vanessa Hunt seeks to represent (the
5 “New Class Claims”); and (3) for the Defendants to oppose this Motion For Leave to Amend the
6 Complaint on whatever grounds they deem appropriate; and

7 WHEREAS, the parties have determined that all such Motions, including the motion hearing
8 presently set for May 17, 2010, can and should be heard on the same day, rather than maintaining the
9 current hearing date for Defendants’ pending Motions for Summary Judgment, because Plaintiffs’ and
10 Defendants’ cross Motions are closely related as to the subject matter and the issues to be adjudicated;
11 and

12 WHEREAS, Plaintiffs have agreed to file their Motion to Amend by May 10, 2010; and

13 WHEREAS, for purposes of efficiency and judicial economy, Plaintiffs and Defendants have
14 agreed to consolidate the hearing date for all motions and request that the Court vacate the May 17, 2010
15 hearing date and reschedule it and Plaintiffs’ Motion to Amend on June 21, 2010;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

17 1. Defendants’ Motion for Reconsideration should be granted, and Defendants’ Motion for
18 Summary Judgment should be granted as to the claims of Plaintiff Adeline Chan and all members of the
19 class other than those claims alleged on behalf of the 47 women referred to above in the Recitals.

20 2. Plaintiffs’ Motion For Leave To Amend and Permit the Intervention of Vanessa Hunt
21 shall be filed on or before May 10, 2010 (the “Motion for Leave”);

22 3. Defendants reserve their right to assert all defenses, and arguments, that were previously
23 asserted or will be asserted in this case to oppose the Plaintiffs’ Motion for Leave and/or the New Class
24 claims;

25 4. Defendants’ shall file their Opposition to Plaintiffs’ Motion for Leave on or before June
26 7, 2010;

27 5. Plaintiffs’ shall file any Reply in support of their Motion for Leave by June 14, 2010;

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