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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSALETY BARNETT, VANESSA HUNT, and
all others similarly situated,

Plaintiffs,

vs.

COUNTY OF CONTRA COSTA, et al.,

Defendants.

CASE NO: C 04-04437 TEH

**STIPULATION TO CONTINUE THE
MOTION FOR SUMMARY JUDGMENT
BRIEFING SCHEDULE AND HEARING
DATE**

DATE: February 14, 2011

TIME: 10:00 a.m.

CTRM: 12

JUDGE: Hon. Thelton E. Henderson

1 **STIPULATION TO CONTINUE THE MOTION FOR SUMMARY JUDGMENT BRIEFING**

2 **SCHEDULE AND HEARING DATE**

3 Plaintiff Vanessa Hunt (“Plaintiff”) and Defendants Contra Costa County, the Sheriff’s
4 Department, and Sheriff Warren E. Rupf (“Contra Costa” or “Defendants”) stipulate pursuant to Local
5 Rules 6-1(b) and 6-2 as follows:

6 WHEREAS, on June 18, 2010, the Court granted Plaintiff leave to file its proposed Third
7 Amended Complaint and ordered that it be filed on or before June 23, 2010. In compliance with the
8 Court’s order, the Plaintiff’s Third Amended Complaint was e-filed on June 21, 2010.

9 WHEREAS, the Court also issued a Minute Order setting the pretrial calendar, pursuant to which,
10 the last day to file dispositive motions was January 10, 2011, and the last day to hear the motions was
11 February 14, 2011. (Docket No. 206.)

12 WHEREAS, on January 10, 2011, Defendants Contra Costa County, the Sheriff’s Department,
13 and Sheriff Warren E. Rupf (“Contra Costa” or “Defendants”) filed their Motion for Summary Judgment
14 (“MSJ”).

15 WHEREAS, shortly after the filing of the MSJ, the parties commenced settlement discussions,
16 and have reached a tentative agreement, pursuant to which, the parties have agreed to seek the
17 continuance of the February 14, 2011 hearing on the MSJ for purposes of efficiency and judicial
18 economy.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED that:

20 1. The MSJ hearing is continued to an undetermined future date to allow the parties to reach a
21 settlement, or until the parties determine that a settlement is not feasible.

- 22 a. In the event that a settlement is not reached for any reason, the parties will have 10
23 days to meet and confer and to agree on a new briefing schedule, which will provide a
24 reasonable period for Plaintiff to oppose or otherwise respond to the MSJ, and allow
25 Defendants to file a reply in support of their MSJ.
- 26 b. In the event that a settlement is reached and all conditions precedent, as enumerated in
27 the executed settlement agreement, are met, including, but not limited to, the
28 obtainment of the requisite authorization or approval from the Contra Costa’s Board of

Supervisors and/or any approval from this Court, the parties shall file a request to dismiss the case, vacating all pre-trial and trial schedules.

IT IS SO STIPULATED.

DATED: February 1, 2011

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN and
CASPER, MEADOWS, SCHWARTZ & COOK

BY: /s/ Mark E. Merin

Mark E. Merin
Attorneys for Plaintiffs

DATED: February 1, 2011

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

BY: /s/ Peter Obstler

Peter Obstler
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file a joint status statement on or before March 7, 2011.

DATED: 02/01, 2011

By: _____

