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 CONTRA COSTA COUNTY

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 16 Attorneys for Defendants  
 17 KEN TORRE, LAUREL BRADY, LOIS HAIGHT  
 THOMAS MADDOCK, and BARRY BASKIN

18  
 19 IN THE UNITED STATES DISTRICT COURT  
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 DENISE SCHMIDT,

23 Plaintiff,

24 v.

25 CONTRA COSTA COUNTY, KEN TORRE,  
 LAUREL BRADY, THOMAS MADDOX,  
 26 LOIS HAIGHT, and BARRY BASKIN,

27 Defendants.  
 28

Case No. C-05-00197 VRW

UPDATED JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT

Date: January 21, 2010  
 Time: 3:30 p.m.  
 Crtrm.: 6, 17th Floor  
 Before: Honorable Vaughn R. Walker

1 Following is a report on the progress/status of this matter since the July 15, 2009 Case  
2 Management Conference (“CMC”).

3 1. Motions:

4 The Court Defendants filed a 12(b)(6) motion as to Plaintiff’s FAC. The motion was  
5 heard on October 1, 2009. The Court issued an Order on December 30, 2009 granting in part  
6 and denying in part the motion to dismiss (hereafter referred to the “December 2009 Order”).

7 As a result of the December 2009 Order, the following of Plaintiff’s claims have been  
8 dismissed as to the Court Defendants: 1) all claims predicated on the Court Defendants’  
9 involvement in promulgating the Policy; 2) the federal and state constitutional equal protection  
10 claims; 3) the federal and state constitutional due process claims; 4) the federal and state  
11 constitutional bill of attainder claims; and 5) the wrongful termination claim.

12 Plaintiff’s claims against the Court Defendants that remain in this lawsuit following the  
13 December 2009 Order are: 1) the federal and state constitutional free speech claims; and 2) all  
14 claims that the application of the Policy to her was discriminatory or retaliatory.

15 Both the County and the Court Defendants plan to file motions for summary judgment or,  
16 in the alternative, partial summary adjudication of claims, as to the claims remaining in this  
17 lawsuit.

18 2. Amendment of Pleadings:

19 At the July 2009 CMC, Plaintiff elected to proceed with her FAC. The County answered  
20 the FAC on August 17, 2009. The Court Defendants filed a 12(b)(6) motion on August 17,  
21 2009. The Court issued the December 2009 Order, as described above, granting in part and  
22 denying in part the motion. Plaintiff was not given leave to amend her FAC.

23 3. Discovery:

24 Plaintiff propounded document requests to all Defendants on August 26, 2009. The  
25 County Defendant timely responded and produced documents. Plaintiff and the County are  
26 currently conferring regarding this discovery.

27  
28

1 The Court granted the Court Defendants' request to postpone responding to Plaintiff's  
2 discovery pending the Court's ruling on the 12(b)(6) motion. Court Defendants are in the  
3 process of responding to Plaintiff's discovery.

4 Plaintiff took the depositions of Contra Costa County Counsel Silvano Marchesi and  
5 Deputy County Counsel Mary Ann Mason on December 14, 2009.

6 No other discovery has been conducted.

7 4. Settlement and ADR:

8 The parties have not engaged in settlement discussions. The parties continue to believe  
9 that the assistance of a federal judge may facilitate ADR.

10 5. Scheduling:

11 At the July 2009 CMC, the Court ordered the following dates:

12 Fact Discovery Cutoff: 3/1/2010

13 Dispositive Motions Hearing: 4/15/2010

14 Pretrial Conference: 5/20/2010

15 No trial date set.

16 Defendants' Position:

17 In light of the recent December 2009 Order and the postponement of this Further CMC,  
18 the Court Defendants propose the above dates be rescheduled as follows:

19 Fact Discovery Cutoff: ~~5/1/2010~~ 6/1/2010

20 Dispositive Motions Hearing: ~~6/20/2010~~ 6/24/2010 at 10:00 AM.

21 Pretrial Conference: ~~8/20/2010~~ 8/26/2010 at 3:30PM.

22 No trial date set.

23 ///

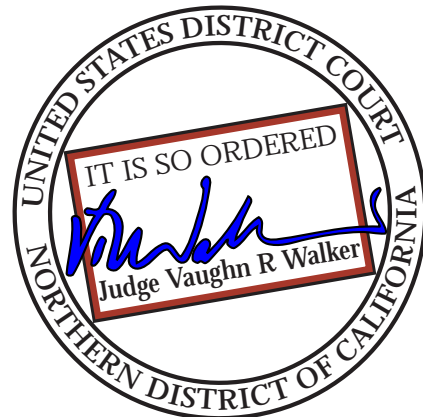
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1 The Court Defendants request that no trial date be set at this point. Instead, the Court  
2 Defendants request that a further CMC be set following the Court's ruling on dispositive  
3 motions.

4  
5 Date: January 12, 2010

LAW OFFICES OF GEOFFREY M. FAUST

6  
7 By: \_\_\_\_\_/s/\_\_\_\_\_  
8 GEOFFREY MARTIN FAUST  
9 Attorney for Plaintiff

10 Date: January 12, 2010

CONTRA COSTA COUNTY

11  
12 By: \_\_\_\_\_/s/\_\_\_\_\_  
13 SHARON L. ANDERSON  
14 County Counsel  
15 MONIKA L. COOPER  
16 Deputy County Counsel  
17 Attorneys for Defendant  
18 Contra Costa County

19 Date: January 12, 2010

WILEY PRICE & RADULOVICH, LLP

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