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CITY OF ANTIOCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC QUESADA, BENNY PUGH, JR.,
PAMELA SHERMAN, PATRICIA
QUESADA, JUAN CARLOS RIVERA and
PAGE BLEHM,

Plaintiffs,

vs.

CITY OF ANTIOCH, a municipal entity
form unknown, and DOES 1-50, unknown
Antioch Police Officers, Supervisors and
Policymakers,

Defendants.

Case No. CV08-1567 JL

**UPDATED JOINT CASE MANAGEMENT
STATEMENT AND ~~PROPOSED~~ ORDER**

Date: May 13, 2009

Time: 10:30 a.m.

Judge: Hon. James Larson

Dept.: Courtroom F, 15th Floor

The parties hereby provide an Updated Joint Case Management Statement and Proposed Order to the Court for the upcoming Case Management Conference. In short, due to the fact that the criminal cases are still pending against three of the six Plaintiffs, which was the underlying basis for the stay in this action, the parties request that the Court continues this Case Management Conference for approximately 120 days to sometime in September of 2009.

A. Updated Case Status

As the Court will recall, this litigation stems out of the arrests of several individuals on June 3, 2007, in or around a bar known as the Club Q in the City of Antioch by officers of the Antioch Police Department. During those arrests, various levels of force were used to control and

1 arrest the individuals involved. Three of the Plaintiffs still have pending criminal matters in
 2 Contra Costa County Superior Court arising out of their June 3rd arrests .

3 The procedural posture of the criminal cases is that they are set for further proceedings
 4 (Readiness Conference) on June 12, 2009. That matter was reset from a previously set May 11,
 5 2009, trial date which was continued because Mr. Gohel, who is counsel for two of the three
 6 criminal defendants (Plaintiffs Pugh and Rivera), has been in trial since March 10, 2009 and will
 7 still likely be in trial in an ongoing federal criminal action, United States v. Caza et. al., CR 06-
 8 058 FCD E.D. Cal., that is slated to last through approximately June 4th.

9 Previously in this civil matter in July and August of 2008, the parties provided letter briefs
 10 to the Court in relation to Defendants motion for an order staying the discovery and trial of this
 11 entire action per the Younger doctrine and Heck line of cases pending the outcome and resolution
 12 of the related state criminal proceedings of three of the six Plaintiffs. On August 29, 2008, the
 13 Court granted Defendants' motion and stayed this action for all purposes pending the outcome of
 14 the related state criminal proceedings, per the authorities of Younger and Heck.

15 As the criminal cases are still pending, the parties hereby stipulate and request that the
 16 Court continue the May 13th case management conference for approximately 120 days to
 17 sometime in September of 2009, or another date convenient to the Court. Attached is a proposed
 18 order in that regard should the Court wish to continue the current case management conference
 19 for several months to allow the criminal proceedings to be completed.

20 Dated: April 30, 2009

MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,
 PFALZER, BORGES & BROTHERS LLP

22 By: 

James V. Fitzgerald, III
 Noah G. Blechman
 Attorneys for Defendant CITY OF ANTIOCH

25 Dated: April 30, 2009

By: /s/ Jai M. Gohel

Jai M. Gohel
 Dennis Cunningham
 Attorneys for Plaintiffs

ORDER

Per the good cause showing by the parties that the ongoing criminal matters have still not been resolved and may not for some time, the stay in this matter still remains in effect for all purposes in conformity with the Court's August 29, 2008, order. Further, the case management conference currently set for May 13, 2009, is hereby continued to September 16, 2009, at 10:30 a.m.. One week prior to this newly set case management conference, the parties should provide a further updated joint case management conference statement to apprise the Court of the status of the pending criminal matters against Mr. Quesada, Mr. Pugh and Mr. Rivera. Should the criminal cases resolve prior to the next case management conference and no criminal appeals are filed and/or contemplated, the parties are ordered to provide the Court with a written update as soon as practical so that a hearing can be set to discuss the status of the stay in this civil action.

IT IS SO ORDERED.

Dated: May 4, 2009



Hon. James Larson

U.S. District Court Magistrate Judge