

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 JAMES V. FITZGERALD, III (State Bar No. 55632)  
NOAH G. BLECHMAN (State Bar No. 197167)  
2 McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & BROTHERS LLP  
3 1211 Newell Avenue  
Post Office Box 5288  
4 Walnut Creek, CA 94596  
Telephone: (925) 939-5330  
5 Facsimile: (925) 939-0203

6 Attorneys for Defendant  
CITY OF ANTIOCH; CITY OF ANTIOCH POLICE  
7 DEPARTMENT; POLICE CHIEF JAMES HYDE; OFFICER  
SANTIAGO MARTINEZ, JR.; OFFICER JASON  
8 VANDERPOOL; OFFICER JASON JOANNINDES; SGT.  
THOMAS FUHRMANN

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 MARVETIA LYNN RICHARDSON;  
LATOYA NORMAN; SAMONIA  
14 NELSON-CALIP; and LAMONA  
NELSON asguardian ad litem for "KC", a  
15 minor,

16 Plaintiffs,

17 vs.

18 CITY OF ANTIOCH; CITY OF  
ANTIOCH POLICE DEPARTMENT;  
19 POLICE CHIEF JAMES HYDE;  
OFFICER SANTIAGO MARTINEZ, JR.;  
20 OFFICER JASON VANDERPOOL;  
OFFICER JASON JOANNINDES; SGT.  
21 THOMAS FUHRMANN and DOES 1 to  
100, inclusive,

22 Defendants.  
23

Case No. CV08 3470 JSW

**STIPULATION AND [PROPOSED]  
ORDER FOR LEAVE TO EXCEED PAGE  
LIMITATION FOR DISPOSITIVE  
MOTIONS**

Judge: Hon. Jeffrey S. White  
Location: Courtroom 11  
450 Golden Gate Ave.,  
19<sup>th</sup> Floor,  
San Francisco, CA

Trial Date: September 20, 2010

24 IT IS HEREBY STIPULATED between the parties as follows:

25 1. Defendants intend to file a motion for partial summary judgment in this factually intensive  
26 case. Plaintiffs' complaint contains 13 counts that involve various federal and state claims.

Defendants denied the allegations in all 13 of plaintiffs' counts and also asserted 19 affirmative

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

1 defenses. There are four separate plaintiffs, four separate individual defendants, and one  
2 governmental defendant. Certain factual allegations are common to all plaintiffs and all  
3 defendants, but other allegations are specific to particular plaintiffs and particular defendants.  
4 Plaintiffs are planning to file a cross-motion for partial summary judgment against the  
5 Defendants.

6 2. N.D. Civil Local Rule 7-2(b) expressly limits motion briefs to 25 pages in length. The  
7 parties will work diligently to limit their motions to the most pressing facts and arguments.  
8 However, given the extensive factual and legal issues in this case, as well as the number of named  
9 Plaintiffs and Defendants, the parties agree that it is prudent and necessary to seek leave from this  
10 Court to allow each side an extra 5 pages for their opening briefs and opposition briefs in order to  
11 adequately address all issues in their motions for partial summary judgment. A 25-page limit will  
12 not be sufficient properly lay out all essential facts and arguments and to adequately discuss the  
13 versatile and extensive legal issues at issue in this case.


14 3. The parties respectfully request an order from this Court granting their stipulated request  
15 to increase the length of their respective motions for partial summary judgment and their  
16 respective oppositions by 5 pages to a total of 30 pages, if needed.

17 4. The parties' request is equally reasonable, warranted and necessary to allow them a fair  
18 and adequate opportunity to present all their moving arguments to the Court. The request is also  
19 reasonable in that it exceeds the allowable page limit by only 5 pages maximum.

20 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

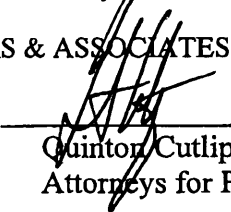
21 Dated: April 13, 2010

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

22  
23 By:   
24 James V. Fitzgerald, III  
Noah G. Blechman  
Attorneys for Defendants

25 Dated: April 13, 2010

MEIS & ASSOCIATES

26 By:   
Quinton Cutlip  
Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**ORDER**

The parties have demonstrated good cause to allow both parties to exceed the allowable page limit for their respective motions and oppositions for summary judgment / partial summary judgment per N.D. Civil Local Rule 7-2(b) by 5 pages, to a total of 30 pages, if needed.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: April 16, 2010

  
\_\_\_\_\_  
Hon. Jeffrey S. White  
United States District Court Judge

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP  
ATTORNEYS AT LAW  
P.O. BOX 5288, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330