

1 Rebecca S. Widen, SBN 219207  
2 Andrea A. Najor, SBN 221853  
3 HAAPALA, THOMPSON & ABERN, LLP  
4 1939 Harrison Street, Suite 800  
5 Oakland, California 94612  
6 Tel: 510-763-2324  
7 Fax: 510-273-8570

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9 Attorneys For Defendants  
10 COUNTY OF ALAMEDA, MARCY TAKEUCHI,  
11 DALE BILLITER and MICHAEL YEE

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

14 DANIELLE POLLAR, SHALAWN  
15 POLLAR, Guardian Ad Litem for J.A., a  
16 minor,

17 Plaintiffs,

18 vs.

19 COUNTY OF ALAMEDA, MARY  
20 TAKEUCHI, DALIE BILLITER,  
21 MICHAEL YEE, CITY OF HAYWARD,  
22 SAM SANDER, MIKE EDWARDS and  
23 DOES 1 through 20, inclusive,

24 Defendants.

) Case No.: C08-04196 BZ (JL)

) **STIPULATION AND [PROPOSED]**  
) **ORDER MODIFYING SCHEDULING**  
) **ORDER**

25 The parties hereto, by and through their undersigned counsel, stipulate and agree as  
26 follows:

27 1. The hearing date for summary judgment motions is currently scheduled for  
28 February 17, 2010 at 10:00 a.m. For the reasons that follow, the parties have agreed to  
continue this date to March 3, 2010 at 10:00 a.m., and respectfully request that the Court  
modify the dates set forth in the current scheduling order.

2. Plaintiffs’ counsel has out-of-town depositions (Los Angeles) in another matter  
on the hearing date currently set for the summary judgment motions, February 17, 2010. The

Haapala, Thompson & Abern LLP  
Attorneys At Law  
Park Plaza Building  
1939 Harrison St., Suite 800  
Oakland, California 94612  
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1 parties realize this was a date actually suggested by the parties. Plaintiffs' counsel  
2 apologizes to the Court, however, while he was in the midst of offering this date up in the  
3 discussion regarding the last stipulation, his staff was busy setting depositions with two other  
4 law firms of various police officers in the case of McCreadie v. Riverside County (Case No.  
5 CV 09-02596 VBF), venued in the Central District of California.

6 3. Additionally, since the last scheduling order was entered, the parties have  
7 secured a settlement conference date of Friday, January 15, 2010 with Magistrate Judge  
8 Maria Elena James. This date is four days prior to the due date for plaintiffs' summary  
9 judgment oppositions under the current scheduling order. Plaintiffs' counsel has indicated  
10 that the potential for settlement is far greater if he is able to avoid the attorneys' fees  
11 associated with preparing not one, but two summary judgment oppositions prior to the  
12 settlement conference.

13 4. Counsel for plaintiffs and both sets of defendants have been diligently meeting  
14 and conferring on a single joint statement of undisputed facts for use in connection with both  
15 of the amended summary judgment motions to be filed defendants. The joint statement is  
16 due this Thursday, January 7, 2010, under the current scheduling order. The meet and confer  
17 process is taking longer than anticipated (there are actually two separate claimed "removals"  
18 of the child in this action), and the parties believe that having additional time to work  
19 together on the joint statement would be helpful in making it as comprehensive and useful as  
20 possible. This would allow for greatly reduced separate statements of fact.

21 5. For these reasons, the parties respectfully request that the Court vacate the  
22 existing summary judgment hearing date and all related briefing deadlines, and modify the  
23 current scheduling order as follows:

24 Amended Motions for Summary Judgment and  
25 Parties' Joint Statement of Undisputed Facts due: **January 14, 2010**  
26 Summary judgment oppositions due: **February 5, 2010**  
27 Summary judgment replies due: **February 19, 2010**  
28 Summary judgment hearing: **March 3, 2010, at 10:00 a.m.**

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1 The parties request that the existing case management conference date of **April 19, 2010 at**  
2 **4:00 p.m.** remain intact, but understand if the court wishes to adjust that date as well.

3 IT IS SO STIPULATED.

4 Dated: January 5, 2010 LAW OFFICES OF ROBERT R. POWELL

5  
6 By: \*/s/ Robert R. Powell  
7 Robert R. Powell  
8 Attorneys For Plaintiffs  
\*Mr. Powell provided his verbal consent  
that this document be electronically filed.

9 Dated: January 5, 2010 HAAPALA, THOMPSON & ABERN, LLP

10  
11 By: /s/ Rebecca S. Widen  
12 Rebecca S. Widen, Attorneys For Defendants  
13 COUNTY OF ALAMEDA,  
14 MARCY TAKEUCHI, MICHAEL YEE, and  
15 DALE BILLITER

16 Dated: January 5, 2010 CLAPP, MORONEY, BELLAGAMBA, VUCINICH,  
17 BEEMAN AND SCHELEY

18  
19 By: \*/s/ Patrick Co  
20 Patrick Co, Attorneys For Defendants  
21 CITY OF HAYWARD, SAM SANDER and  
22 MIKE EDWARDS  
23 \*Mr. Co provided his consent that this  
24 document be electronically filed.

25 **ORDER**

26 Pursuant to stipulation and for good cause shown, it is SO ORDERED.

27 Dated: January 6, 2010

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Honorable Bernard Zimmerman  
United States Magistrate Judge