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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DON DUNCAN, et al.,  
Plaintiffs,  
v.  
COUNTY OF ALAMEDA, et al.,  
Defendants

No. C-08-5486 MMC

**ORDER RE: DEFENDANTS’ OBJECTION  
TO PLAINTIFFS’ RESPONSE TO  
DEFENDANTS’ SUPPLEMENTAL  
BRIEF; CONTINUING HEARING ON  
DEFENDANTS’ MOTION TO DISMISS;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Before the Court are “Objections to Plaintiffs’ Response to Defendants’ Supplemental Brief,” filed July 14, 2009 by defendants Brian McKenna, David Lord, and David Rocha (collectively, “Union Defendants”). Having read and considered the Objections, the Court rules as follows:

1. To the extent the Union Defendants seek to strike a portion of plaintiffs’ Response on the ground such portion improperly exceeds the scope of the Court’s June 3, 2009 order, the Objections are OVERRULED for the reason that plaintiffs, prior to filing their Response, did not have an opportunity to address the Union Defendants’ argument pertaining to the content of the Memorandum of Understanding. Accordingly, the Court will not strike any portion of the Response.
2. To the extent the Union Defendants seek leave to file a reply to the Response, the Court finds it appropriate to afford the Union Defendants such opportunity, as set forth

1 below:

2 a. No later than July 24, 2009, the Union Defendants shall file a Reply to  
3 Plaintiffs' Response, said filing not to exceed five pages in length.

4 b. The hearing on the Union Defendants' motion to dismiss is hereby  
5 CONTINUED from July 17, 2009 to August 7, 2009.

6 Further, the Case Management Conference is hereby CONTINUED from August  
7 14, 2009 to October 2, 2009. A Joint Case Management Statement shall be filed no later  
8 than September 25, 2009.

9 **IT IS SO ORDERED.**

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11 Dated: July 16, 2009

  
MAXINE M. CHESNEY  
United States District Judge

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