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 7 on behalf the estate of JUAN CARLOS  
 BAIREs; and Teofilo MIRANDA, an  
 8 individual.

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 DORA BAIREs, et al.,

12 Plaintiffs,

13 vs.

14 THE UNITED STATES OF AMERICA; et al.,

15 Defendants.  
 16

No.: C 09-05171 CRB

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE HEARING ON  
 FEDERAL DEFENDANTS' MOTIONS  
 TO DISMISS SECOND AMENDED  
 COMPLAINT**

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

**STIPULATION AND [PROPOSED] ORDER**

Plaintiffs Dora Baires and Teofilo Miranda (“Plaintiffs”); Defendants United States of America, the Department of Homeland Security, United States Immigration and Customs Enforcement, the Division of Immigration Health Services, the Office of Enforcement and Removal Operations (formerly known as the Office of Detention and Removal Operations), James T. Hayes, John P. Torres, Nancy Alcantar, Timothy Aitken and Brian Myrick (“Federal Defendants”); and Defendants the County of Kern, Kern County Sheriff’s Department, Kern Medical Center, Lerdo Detention Facility, Donald Youngblood, and Khosrow Mostofi, M.D., (“Kern County Defendants”) (“Federal Defendants” and “Kern County Defendants” collectively herein “Defendants”), through their respective counsel of record, hereby agree and stipulate as follows:

1. Whereas, Plaintiffs filed their original complaint in this Action on October 30, 2009, and their First Amended Complaint on May 4, 2010.

2. Whereas, Plaintiffs filed their Second Amended Complaint on November 5, 2010 (“SAC”).

3. Whereas, on January 4, 2011, the Federal Defendants filed the Individual Federal Defendants’ Notice of Motion and Motion to Dismiss Plaintiffs’ Second Amended Complaint Or, in the Alternative, for Summary Judgment (“Individual Federal Defendants’ Motion”).

4. Whereas, on January 4, 2011, the Federal Defendants filed the United States’ Notice of Motion and Motion to Dismiss Plaintiffs’ Second Amended Complaint or, in the Alternative, for Summary Judgment (“USA’s Motion”) (“Individual Federal Defendants’ Motion” and “USA’s Motion” collectively for purposes of this Stipulation only “Motions to Dismiss”).

5. Whereas, the Federal Defendants anticipate filing amended motions to dismiss the SAC. The Federal Defendants agree to file any amended motions on or before January 21, 2011.

6. Whereas, due to counsels’ schedules, the parties wish to continue the hearing on the Motions to Dismiss to March 11, 2011.

7. Whereas, Plaintiffs’ Opposition to the Motions to Dismiss would thus be due on February 18, 2011, and the Federal Defendants’ Reply would be due on February 25, 2011.



1 [PROPOSED] ORDER

2 IT IS HEREBY ORDERED, upon the consent of the parties, that the hearing on the Federal  
3 Defendants' Motions to Dismiss is continued to March 11, 2011, and any amended motions to  
4 dismiss the Second Amended Complaint by the Federal Defendants will be filed on or before  
5 January 21, 2011.

6 DATED January 18, 2011.

