

E-Filed 8/23/10

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7 Attorneys for Defendants the County
 of Sonoma, Jerry Allen, Sheriff-Coroner
 8 William Cogbill, Nicholas Honey,
 Sheriff's Deputy Michael Shanahan, Sheriff's
 9 Deputy Caroline Japp, and County
 employees, Betty Johnson, Jo Weber,
 10 and Robin Smith

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 SALLY STEINHART,
 15 Plaintiff,

No. CV-10-00841 RS

16 v.

**STIPULATION TO (1) CONTINUE
 DATE TO HEAR COUNTY
 DEFENDANTS' MOTION TO
 DISMISS; (2) EXTEND COUNTY
 DEFENDANTS' TIME TO FILE ANTI-
 SLAPP MOTION UNDER CAL. CCP
 SECTION 425.16(f); ~~PROPOSED~~
 ORDER**

17 COUNTY OF SONOMA, SHERIFF-CORONER
 BILL COGBILL and DEPUTY SHERIFFS M.
 18 SHANAHAN and CAROLYN JAAP; HUMAN
 SERVICES DEPARTMENT DIRECTOR JO
 19 WEBER; FAMILY, YOUTH & CHILDREN'S
 SERVICES DIVISION DIRECTOR CAROL
 20 BAUER; YOUTH & CHILDREN'S SERVICES
 DIVISION DIRECTOR NICHOLAS HONEY;
 21 CHILD WELFARE SERVICES/ PROTECTIVE
 SERVICES SOCIAL WORKERS JERRY ALLEN,
 22 BETTY JOHNSON, and ROBIN SMITH,
 individually and in their official capacities,
 23 CALIFORNIA DEPARTMENT OF SOCIAL
 SERVICES; DOES 1-50, and ROES 1-50, and
 24 MOES 1-50, inclusive, jointly and severally,

25 Defendants.

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 Stipulation to (1) Continue Date to Hear County 1
 Defendants' Motion to Dismiss; (2) Extend County
 Defendants' Time to File Anti-Slapp Motion
 Under Cal. CCP Section 425.16(f); ~~proposed~~ Order

1 This joint stipulation and request for entry of order pursuant to Civil Local Rule 7-12 is
2 entered into by and between Plaintiff in pro per, Sally Steinhart (“Plaintiff”), and Defendants the
3 County of Sonoma, Sheriff-Coroner William Cogbill, and County employees Michael Shanahan,
4 Caroline Jaap, Jo Weber, Nicholas Honey, Jerry Allen, Betty Johnson and Robin Smith (collectively,
5 “County Defendants”). Defendant the California State Department of Social Services is not a party
6 to this stipulation. This stipulation and concomitant request for an Order is based upon both Plaintiff
7 and the County Defendants’ request to continue the hearing date of the County Defendants’ Motion
8 to Dismiss First Amended Complaint, and Motion for More Definite Statement, filed on July 26,
9 2010, and currently to be heard on September 9, 2010; as well as to provide County Defendants
10 additional time in which to file an Anti-SLAPP Motion under California Code of Civil Procedure
11 Section 425.16 to a date *after* the County Defendants’ Motion to Dismiss the First Amended
12 Complaint is heard. The terms and provisions of this stipulation and request for order are set forth
13 below.

14 **RECITALS**

15 A. Plaintiff filed her Complaint for Declaratory and Injunctive Relief and Damages
16 herein on February 26, 2010. Plaintiff believes that she effectuated service of the Complaint on all
17 County Defendants identified above on or about May 12, 2010. Plaintiff has not yet effectuated
18 service on Defendant the State Department of Social Services, nor Defendant and former Sonoma
19 County employee Carol Bauer (retired).

20 B. Plaintiff filed a First Amended Complaint (the “First Amended Complaint”) herein on
21 June 21, 2010.

22 C. County Defendants filed a Motion to Dismiss the First Amended Complaint and
23 concurrent Motion for More Definite Statement on July 26, 2010 (hereinafter collectively, “Motion
24 to Dismiss”). This Motion to Dismiss is currently set to be heard on September 9, 2010, at 1:30 p.m.
25 The thrust of this Motion to Dismiss is to request dismissal of all claims for relief against County
26 Defendants.

1 D. If certain issues are not resolved pursuant to the Motion to Dismiss, County
2 Defendants intend to file an Anti-SLAPP Motion under California Code of Civil Procedure Section
3 425.16 (see Exhibit A). The Anti-SLAPP Motion would request this Court to strike all state law
4 claims and related allegations against the County’s Human Services Department employee
5 defendants on grounds of protected speech activities by governmental entities and their
6 representatives.

7 E. Pursuant to California Code of Civil Procedural Section 426.16(f), Anti-SLAPP
8 motions should be brought within 60 days of the service of the relevant complaint. However, under
9 California Code of Civil Procedure Section 425.16(f), the Court has the discretion to extend the 60
10 day filing period to “any later time upon terms it deems proper.” It is reasonable and proper on
11 grounds of judicial economy to allow the County Defendants additional time in which to file and
12 serve their Anti-SLAPP Motion to a time *after* their Motion to Dismiss is heard, as the reasons to
13 bring the Anti-SLAPP Motion *would become moot* if this Court issues an order which grants the
14 County’s Motion to Dismiss, thus dismissing the County’s Human Services Department employee
15 defendants from the lawsuit.

16 F. Hence, on August 5, 2010, the County approached Plaintiff with the request to
17 stipulate to extend the time to file and serve the Anti-SLAPP motion until after the Court issues its
18 order resolving the pending Motion to Dismiss. Plaintiff indicated she would stipulate to such as
19 long as the County agreed to continue the hearing date of the Motion to Dismiss for three weeks, as
20 she is presently in trial on another matter and is in the middle of moving her residence. The County
21 so agreed.

22 WHEREFORE, the parties hereby stipulate and request entry of a court order as follows:

23 **STIPULATION**

24 1. The current hearing date for the County Defendant’s Motion to Dismiss the First
25 Amended Complaint, and Motion for More Definite Statement (along with the concurrent Request
26 for Judicial Notice re the Motion to Dismiss and Administrative Motion to File Under Seal
27

1 Documents Attached to Request for Judicial Notice in Support of Motion to Dismiss), is set for
2 September 9, 2010, at 1:30 p.m. This date shall be continued to **September 30, 2010, at 1:30 p.m.**

3 2. County Defendants shall have until and including **December 2, 2010**, in which to
4 file and serve their Anti-SLAPP motion under California Code of Civil Procedure Section 425.16.

5 3. This stipulation does not prevent or preclude the parties from seeking additional relief
6 from this Court, to amend this stipulation and order or otherwise.

7 Respectfully submitted,
8 Dated: August 18, 2010 Stephen M. Woodside, County Counsel

9 By: /s/ Anne L. Keck
10 Anne L. Keck, Deputy County Counsel
11 Attorneys for County Defendants

11 Dated: August 18, 2010 Sally Steinhart, Plaintiff in pro per

12 By: /s/ Sally Steinhart
13 Sally Steinhart

14 * * *

15 ~~-[PROPOSED]~~ ORDER

16 PURSUANT TO STIPULATION, and with good cause appearing,

17 IT IS HEREBY ORDERED that the current hearing date for the County Defendant's Motion to
18 Dismiss the First Amended Complaint, and Motion for More Definite Statement (along with the
19 concurrent Request for Judicial Notice re the Motion to Dismiss and Administrative Motion to File
20 Under Seal Documents Attached to Request for Judicial Notice in Support of Motion to Dismiss)
21 shall be continued from September 9, 2010, to **September 30, 2010, at 1:30 p.m.**

22 IT IS FURTHER ORDERED that County Defendants shall have up to and including **December**
23 **2, 2010**, in which to file and serve their Anti-SLAPP motion under California Code of Civil
24 Procedure Section 425.16.

25 Date: 8/23/10

26 
27 HONORABLE RICHARD SEEBORG
28 United States District Judge