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1 STEVEN M. WOODSIDE, State Bar No. 58684
 County Counsel
 2 ANNE L. KECK, State Bar No. 136315
 Deputy County Counsel
 3 County of Sonoma
 575 Administration Drive, Room 105A
 4 Santa Rosa, California 95403-2815
 Telephone: (707) 565-2421
 5 Facsimile: (707) 565-2624
 E-mail: akeck@sonoma-county.org
 6

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

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

14

SALLY STEINHART,

No. CV-10-00841 RS

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Plaintiff,

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v.

**STIPULATION (SECOND) TO
 EXTEND COUNTY DEFENDANTS'
 TIME TO FILE AN ANTI-SLAPP
 MOTION UNDER CAL. CCP SECTION
 425.16(f); [~~PROPOSED~~] ORDER**

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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,

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Defendants.

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Stipulation (Second) to Extend County
 Defendants' Time to File an 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.

7 This stipulation and concomitant request for an Order is based upon County Defendants’
8 request to extend the time in which to file an Anti-SLAPP Motion under California Code of Civil
9 Procedure Section 425.16 for an additional 63 days, to February 3, 2011. The terms and provisions
10 of this stipulation and request for order are set forth below.

11 **RECITALS**

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

17 B. Plaintiff filed a First Amended Complaint for Declaratory and Injunctive Relief and
18 Damages (the “First Amended Complaint”) on June 21, 2010.

19 C. County Defendants filed a Motion to Dismiss the First Amended Complaint and
20 concurrent Motion for More Definite Statement on July 26, 2010 (hereinafter collectively, “Motion
21 to Dismiss”). In their Motion to Dismiss, County Defendants request dismissal of all claims for
22 relief alleged against them in the First Amended Complaint.

23 D. County Defendants’ Motion to Dismiss was initially noticed to be heard on
24 September 9, 2010, and was later continued by stipulation and order to September 30, 2010.

25 E. On September 27, 2010, the Court entered a Clerk’s Notice, in which the Court
26 deemed the Motion to Dismiss submitted without oral argument pursuant to Civil Local Rule 7-1(b),
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1 and vacated the September 30th hearing date (Dkt No. 22). As of the date of this submission, the
2 parties have not received a decision from the Court resolving the Motion to Dismiss.

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

9 E. Under California Code of Civil Procedure Section 426.16(f), Anti-SLAPP motions
10 should be brought within 60 days of the service of the relevant complaint. However, under
11 California Code of Civil Procedure Section 425.16(f), the Court has the discretion to extend the 60
12 day filing period to “any later time upon terms it deems proper.”

13 F. Upon a stipulation of the parties, the Court has previously granted County Defendants
14 an extension of time to file its Anti-SLAPP motion to December 2, 2010, to permit resolution of the
15 Motion to Dismiss prior to the filing of such motion (Dkt No. 17).

16 G. County Defendants request an additional extension of time in which to file its Anti-
17 SLAPP motion, to February 3, 2011, to allow the Court to issue a decision in the pending Motion to
18 Dismiss prior to filing such motion. Such a request is made for the purpose of conserving the
19 resources of the parties and the Court, as the underlying grounds for the Anti-SLAPP Motion *would*
20 *become moot* if this Court grants the Motion to Dismiss as to the County’s Human Services
21 Department employees named as defendants in the case.

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

23 **STIPULATION**

24 1. County Defendants shall have until and including **February 3, 2011**, in which to file
25 and serve their Anti-SLAPP motion under California Code of Civil Procedure Section 425.16.

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