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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 RAFAEL MATEOS-SANDOVAL and
 SIMEON AVENDANO RUIZ, individually
 12 and as class representatives,

Case No. CV-11-05817 TEH

13 Plaintiffs,

14 v.

15 COUNTY OF SONOMA, SONOMA
 COUNTY SHERIFF'S DEPARTMENT,
 16 STEVE FREITAS, CITY OF SANTA ROSA,
 SANTA ROSA POLICE DEPARTMENT,
 17 TOM SCHWEDHELM, and DOES 1 through
 20, individually and in their official capacities,

18 Defendants.
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**JOINT STIPULATION TO (1) EXTEND
 BRIEFING SCHEDULE ON MOTIONS TO
 DISMISS, AND (2) RESCHEDULE
 HEARINGS ON MOTIONS TO DISMISS
 AND CASE MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER**

20 _____ /
 21 This Joint Stipulation to (1) Extend Briefing Schedule on Motions to Dismiss, and (2)

22 Reschedule Hearings on Motions to Dismiss is submitted by all named parties in this action,

23 including: Plaintiffs Rafael Mateos-Sandoval and Simeon Avendano Ruiz (collectively,

24 "Plaintiffs"); Defendants the County of Sonoma, Sonoma County Sheriff's Office, and Sonoma

25 County Sheriff-Coroner Steve Freitas (collectively, "County Defendants"); and Defendants the City

26 of Santa Rosa, Santa Rosa Police Department, and Santa Rosa Police Chief Tom Schwedhelm

27 (collectively, "City Defendants"). Through this Stipulation, the parties agree to request a Court

1 order to extend the briefing schedule for the pending motions to dismiss, and to reschedule the
2 hearings on those motions as well as the case management conference, all of which are currently set
3 for June 24, 2013. The parties submit that good cause supports their request, as set forth below.

4 **RECITALS**

5 A. In a previous Order filed on April 4, 2013 (Dkt. No. 88), the Court set a briefing
6 schedule on Defendants' motions to dismiss, allowing them to be filed on April 12, 2013, with
7 oppositions due on May 3, 2013, replies due on May 13, 2013, and setting a hearing date of June 3,
8 2013. Thereafter, based on an oral request made by County Counsel on April 8, 2013, the Court
9 continued the hearings on the motions to dismiss to June 24, 2013, and set a further case
10 management conference to be held that same day (Dkt. No. 91).

11 B. Pursuant to the scheduling Order, Defendants timely filed their motions to dismiss on
12 April 12, 2013 (see Dkt. Nos. 93 and 95). However, Plaintiffs were unable to make the filing due
13 dates for their oppositions due to scheduling conflicts, but filed their opposition to the City
14 Defendants' motion to dismiss on May 6, 2013, and filed their opposition to the County Defendants'
15 motion to dismiss on May 7, 2013.

16 C. Based on the attendant circumstances and on County Counsel's schedule, the parties
17 have agreed to set a new schedule for the remainder of the briefing on the motions to dismiss and to
18 reschedule the hearing date on those motions to July 29, 2013.

19 D. This extension of time is necessary to accommodate County Counsel's vacation
20 schedule and briefing schedule in the appeal in this case and other cases.

21 E. In addition, to conserve the resources of the Court and the parties, the parties request
22 that the further case management conference, currently scheduled to be held on June 24, 2013, be
23 continued to July 29, 2013, at 10:00 am, so that it may be held concurrently with the hearings on the
24 motions to dismiss.

25 WHEREFORE, the parties to this stipulation hereby agree and request entry of an order as
26 follows:

1 **STIPULATION**

2 1. The parties request the Court to amend its Orders entered on April 4, 2013 (Dkt. No.
3 88) and April 8, 2013 (Dkt. No. 91) for the purpose of extending the briefing schedule on
4 Defendants' pending motions to dismiss and rescheduling the hearing on those motions as follows:

5 Motions to Dismiss Replies Due: July 15, 2013

6 Proposed New Hearing Date: July 29, 2013, at 10:00 a.m.

7 2. In addition, the parties request the Court to reschedule the further case management
8 conference, currently scheduled to be held on June 24, 2013, to July 29, 2013, at 10:00 am, so that it
9 may be held concurrently with the hearings on the motions to dismiss.

10 3. Nothing in this Stipulation and request for order is intended to modify the other
11 matters addressed in any Court order unless expressly identified herein, nor does it preclude the
12 parties from seeking additional relief from this Court, to amend this stipulation and order or
13 otherwise.

14 Respectfully Submitted,

15 Dated: May 10, 2013

Bruce D. Goldstein, Sonoma County Counsel

16 By: /s/ Anne L. Keck
17 Anne L. Keck, Deputy County Counsel
Attorneys for County Defendants

18 Dated: May 10, 2013

Caroline L. Fowler, Santa Rosa City Attorney

19 By: /s/ Robert L. Jackson
20 Robert L. Jackson, Assistant City Attorney
Attorneys for City Defendants

21 Dated: May 10, 2013

Robert Mann & Donald W. Cook, Attorneys at Law

22 By: /s/ Donald W. Cook
23 Donald W. Cook
Attorneys for Plaintiffs

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~~PROPOSED~~ ORDER

Pursuant to and in accordance with the foregoing Stipulation, and with good cause appearing,
IT IS HEREBY ORDERED as follows:

1. The Orders entered on April 4, 2013 (Dkt. No. 88) and April 8, 2013 (Dkt. No. 91) are hereby amended for the purpose of extending the briefing schedule on Defendants' pending motions to dismiss and rescheduling the hearing on those motions as follows:

Motions to Dismiss Replies Due: July 15, 2013

Motions to Dismiss Hearing Date: July 29, 2013, at 10:00 a.m.

2. The further case management conference in this case, currently scheduled to be held on June 24, 2013, is rescheduled to July 29, 2013, at 10:00 am, so that it may be held concurrently with the hearings on the motions to dismiss.

IT IS SO ORDERED.

Date: 05/13/2013

