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

13 RAFAEL MATEOS-SANDOVAL and SIMEON
 AVENDANO RUIZ, individually and as class
 14 representatives,

15 Plaintiff,

16 v.

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

20 Defendants.
 21 _____/

No. CV-11-05817 TEH

**JOINT STIPULATION FOR ENTRY OF
 ORDER: (1) EXTENDING TIME TO
 RESPOND TO COMPLAINT, (2)
 CONTINUING CASE MANAGEMENT
 CONFERENCE DATE, AND (3)
 DEFERRING FRCP 26(a) & (f)
 COMPLIANCE; [PROPOSED] ORDER**

22 This joint stipulation is entered into by and between 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 the City of Santa
 26 Rosa, Santa Rosa Police Department, and Santa Rosa Police Chief Tom Schwedhelm (collectively,
 27 "City Defendants"). Through this stipulation, these parties request the Court to enter an order: (1)
 28 extending the time for Defendants to respond to the Complaint filed in this action through and

1 including April 16, 2012; (2) continuing the Initial Case Management Conference in this action,
2 currently set for March 19, 2012, to May 21, 2012, at 10:00 a.m.; and (3) deferring compliance with
3 FRCP Rules 26(a) and (f). The parties submit good cause supports these requests for an order,
4 pursuant to the following.

5 **RECITALS**

6 A. Plaintiffs filed their Class Action Complaint for Damages and Injunctive Relief in
7 this action on December 2, 2011 (Dkt. No. 1). Plaintiffs believe that the Complaint and Summons
8 were effectively served on all named Defendants as of January 4, 2012. Defendants have agreed to
9 waive any defects in service in exchange for the agreements set forth in this stipulation.

10 B. In light of the fact that the Complaint presents facial constitutional challenges to
11 California statutes, Plaintiffs are required to comply with the provisions of Federal Rules of Civil
12 Procedure (“FRCP”) Rule 5.1. Such rule requires Plaintiffs to file a notice of constitutional
13 question, stating the question and identifying the paper that raises it, and serve the notice and paper
14 on the Attorney General for the State of California (the “AG’s Office”). Plaintiffs filed and served
15 such notice on the AG’s Office on January 20, 2012 (Dkt. No. 14).

16 C. In addition, FRCP Rule 5.1 and 28 U.S.C. § 2403 provide that the Court must certify
17 to the AG’s Office that a California statute has been questioned in the Complaint. The AG’s Office
18 is provided with 60 days in which to intervene in the case, from the date the notice is filed or the
19 court certifies the challenge (whichever is earlier). Accordingly, the parties expect that the 60-day
20 time period in which the AG’s Office will be allowed to intervene in this case under Rule 5.1 will
21 expire after March 20, 2012.

22 D. Defendants have informed Plaintiffs of their intent to file motions to dismiss in
23 response to the Complaint which will address, *inter alia*, the merits of the facial constitutional
24 challenges to the California statutes. To conserve the resources of the parties and the Court, and to
25 prevent the filing of duplicative papers or motions, the parties agree to continue the time in which
26 Defendants must file their motions to dismiss to permit coordination with the AG’s Office with
27 respect to Plaintiffs’ facial challenges to state statutes.

1 E. Based on information currently available, the parties agree to the following schedule:
2 Motions to Dismiss due: April 16, 2012
3 Oppositions to Motions to Dismiss due: April 30, 2012
4 Replies re Motions to Dismiss due: May 7, 2012
5 Hearings on Motions to Dismiss: May 21, 2012, at 10:00 a.m.

6 F. To further conserve the resources of the parties and the Court, and due to the fact that
7 the pleadings in this case have not yet settled, the parties also request that the Initial Case
8 Management Conference currently scheduled to be held on March 19, 2012, at 1:30 pm, be
9 continued to the same date and time set for the hearings on the motions to dismiss, on May 21, 2012,
10 at 10:00 a.m. In addition, counsel for County Defendants have informed the parties that she is
11 unable to attend the March 19, 2012, conference based on prior scheduling conflicts. The parties
12 will file a joint case management conference statement at least one week prior to the conference.

13 G. The parties have agreed to defer the exchange of initial disclosure under FRCP Rule
14 26(a) until two weeks after the Initial Case Management Conference has been held, or later as the
15 parties may otherwise agree. In addition, the parties have agreed to defer holding a FRCP Rule 26(f)
16 conference until approximately two weeks prior to the Case Management Conference date, and to
17 file the Rule 26(f) Report concurrently with the joint case management conference statement.
18 Deferring these discovery protocols is warranted at this time, as the parties expect that the Court's
19 resolution of the motions to dismiss will provide them with further information regarding the
20 parameters of this action and the appropriate scope of discovery.

21 H. Plaintiffs intend to seek an order certifying this action as a class action under FRCP
22 Rule 23 after the Court has resolved the motions to dismiss to be filed by Defendants. The parties
23 agree that resolution of the motions to dismiss are appropriate pending the filing of Plaintiffs'
24 request for class certification.

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

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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 time in which Defendants may file their responses to the Complaint in this case is extended through and including April 16, 2012.

2. The Initial Case Management Conference for this case, currently scheduled to occur on March 19, 2012, is continued to May 21, 2012, at ~~10:00 a.m.~~ 1:30 p.m. The parties shall file a joint case management conference statement at least one week prior to the conference.

3. The exchange of initial ~~disclosure~~ disclosures under FRCP Rule 26(a) will be deferred until two weeks after the Initial Case Management Conference has been held (at a minimum); no additional court order is required to further continue such date if the parties so agree in writing.

4. The FRCP Rule 26(f) conference will be deferred until approximately two weeks prior to the Case Management Conference date; the FRCP Rule 26(f) Report shall be filed concurrently with the joint case management conference statement.

IT IS SO ORDERED.

Date: 01/24/2012

