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7 Attorneys for Defendant Sonoma County  
 8 Sheriff Steve Freitas in his personal capacity

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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

Case No. CV-11-05817 TEH (NC)

14 Plaintiffs,

**JOINT STIPULATION TO RESCHEDULE  
 CASE MANAGEMENT CONFERENCE;  
~~PROPOSED~~ ORDER**

15 v.

CMC Date: July 21, 2014  
 CMC Time: 1:30 p.m.  
 Courtroom: 19

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

21 Defendants.

22 TO THE HON. THELTON E. HENDERSON, UNITED STATES DISTRICT COURT JUDGE:

23 This Joint Stipulation to Reschedule Case Management Conference is submitted by the  
 24 following parties in this action: Plaintiffs Rafael Mateos-Sandoval and Simeon Avendano Ruiz  
 25 (collectively, “Plaintiffs”); Defendant Sonoma County Sheriff Steve Freitas sued in his personal  
 26 capacity only (“Sheriff Freitas”); and Defendants the City of Santa Rosa, Santa Rosa Police  
 27 Department, and Santa Rosa Police Chief Tom Schwedhelm (collectively, “City Defendants”).  
 28 Defendants the County of Sonoma, Sonoma County Sheriff’s Office, and Sonoma County Sheriff

1 Steve Freitas sued in his official capacity are not parties to this stipulation, as this action is currently  
2 stayed as to all claims against them based on their pending appeal. (See e.g., Order entered April 10,  
3 2013, Dkt. No. 92.)

4 The parties to this stipulation request the Court to enter an order continuing the Case  
5 Management Conference currently scheduled to occur in this matter on July 21, 2014, to September  
6 8, 2014, at 1:30 p.m. The parties submit that good cause supports their request, as set forth below.

### 7 **RECITALS**

8 A. All discovery issues in this case have been assigned to the Honorable Nathanael  
9 Cousins pursuant to an Order of Reference issued by this Court on May 6, 2014. (Dkt. No. 33.)

10 B. At a discovery hearing held on June 25, 2014, Magistrate Cousins addressed  
11 Plaintiffs' requests for additional discovery from Defendants. In light of impending deposition dates  
12 and additional documents the Magistrate intended to order produced, the parties and Magistrate  
13 Cousins determined that a deposition of the City Defendants should be rescheduled to July 21, 2014.  
14 The parties and Magistrate Cousins discussed the fact that a Case Management Conference was  
15 currently scheduled to be held in this Court on that same day, July 21, 2014, at 1:30 p.m. Magistrate  
16 Cousins expressed his belief that this Court would be willing to reschedule the Case Management  
17 Conference to accommodate the parties' discovery process, particularly in light of the fact that the  
18 Court had referred the discovery issues to Magistrate Cousins for resolution.

19 C. Magistrate Cousins entered orders with respect to several discovery issues discussed  
20 at the June 25<sup>th</sup> hearing, and set a follow-up hearing on those issues for August 13, 2014. (See Dkt.  
21 Nos. 152, 158)

22 D. The parties request this Court to continue the Case Management Conference,  
23 currently set for July 21, 2014, to a date after the follow-up discovery hearing currently set before  
24 Magistrate Cousins, and preferably September 8, 2014, at 1:30 p.m. Rescheduling the Case  
25 Management Conference will allow Plaintiffs to be able to depose the City Defendants' "Persons  
26 Most Knowledgeable" on a date after relevant documents have been produced (which Plaintiffs  
27 anticipate using during the deposition). In addition, the parties believe that rescheduling the Case  
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1 Management Conference will allow them to present scheduling and related issues more fully to the  
2 Court, and would conserve the resources of the parties and the Court.

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

5 **STIPULATION**

6 1. The parties request the Court to enter an order rescheduling the Case Management  
7 Conference, currently set for July 21, 2014, to September 8, 2014, at 1:30 p.m.

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

12 Respectfully Submitted,

13 Dated: July 16, 2014

Bertrand, Fox & Elliot

14 By: /s/ Richard W. Osman  
15 Richard W. Osman  
Attorneys for Defendant Sheriff Steve Freitas

16 Dated: July 16, 2014

Caroline L. Fowler, Santa Rosa City Attorney

17 By: /s/ Robert L. Jackson  
18 Robert L. Jackson, Assistant City Attorney  
Attorneys for City Defendants

19 Dated: July 16, 2014

Robert Mann & Donald W. Cook, Attorneys at Law

20 By: /s/ Donald W. Cook  
21 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:

The Case Management Conference, currently set to be held in this case on July 21, 2014,  
shall be rescheduled to September 8, 2014, at 1:30 p.m. The parties shall submit a joint case  
management statement at least one week prior to the Case Management Conference.

**IT IS SO ORDERED.**

Date: 07/17/14 \_\_\_\_\_

  
HONORABLE THELTON E. HENDERSON  
United States District Court Judge