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10 Attorneys for County Defendants

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

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

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

15 Plaintiffs,

16 v.

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

Defendants.

**SUPPLEMENTAL JOINT CASE
 MANAGEMENT STATEMENT;
 STIPULATED REQUEST FOR ENTRY OF
 ORDER (1) VACATING ORDER
 REFERRING THE CASE TO A
 SETTLEMENT MAGISTRATE, AND (2)
 CONTINUING CASE MANAGEMENT
 CONFERENCE; ~~PROPOSED~~ ORDER**

Case Management Conference

Date: November 2, 2015

Time: 1:30 p.m.

Ctroom: 12, 19th Floor

21 _____/

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23 This Supplemental Joint Case Management Statement and request for entry of an order is
 24 submitted by all named and remaining parties in this action, including: Plaintiffs Rafael Mateos-
 25 Sandoval and Simeon Avendano Ruiz (collectively, "Plaintiffs"); Defendants the County of
 26 Sonoma, Sonoma County Sheriff's Office, and Sonoma County Sheriff-Coroner Steve Freitas in his
 27 official capacity (collectively, "County Defendants"); and the City of Santa Rosa and the Santa Rosa

1 Police Department (collectively, “City Defendants”). As discussed below, the parties request the
2 Court to vacate its previous Order of Reference to a settlement magistrate (Dkt. No. 206) and
3 continue the Case Management Conference currently set for November 2, 2015, to December 7,
4 2015. The parties believe the information provided herein demonstrates good cause for their
5 requests.

6 **1. STATUS UPDATE SINCE THE FILING OF THE SEPTEMBER 2nd CASE**
7 **MANAGEMENT STATEMENT**

8 On March 30, May 4, July 27, and September 2, 2015, the parties submitted Joint Case
9 Management Statements in preparation for the Case Management Conference that was ultimately
10 continued to November 2, 2015. (Dkt. Nos. 245, 261, 280, and 286.) The parties incorporate the
11 statements made in those CMC Statements herein, and provide the following status update.

12 On July 23, 2015, pursuant to F.R.App.Pro. 5 and F.R.Cv.P. 23(f), Plaintiffs filed a Petition
13 with the Ninth Circuit seeking permission to appeal the Court’s July 9, 2015 Order denying class
14 certification. The Ninth Circuit denied that Petition last Thursday, October 22, 2015.

15 At the present time, the only matter on calendar in this case is the November 2nd Case
16 Management Conference. While this Court had previously referred this case to Magistrate Judge
17 Ryu for a settlement conference (Dkt. No. 206), that conference was taken off calendar in light of
18 the filing of the Petition, to be reset upon the parties submitting proposed dates within 10 days of the
19 Ninth Circuit’s decision on the Petition. (Dkt. No. 289.) Pursuant to Magistrate Judge Ryu’s order,
20 and based on the recent Ninth Circuit decision, the parties are to file proposed settlement conference
21 dates no later than November 1, 2015.

22 **2. REQUEST TO VACATE ORDER OF REFERENCE FOR SETTLEMENT**
23 **CONFERENCE**

24 Based on recent events, the parties now believe that a settlement conference would not assist
25 them in resolving issues in this case. Specifically, Plaintiffs have informed all parties that they
26 intend to appeal this Court’s denial of their class certification motion after entry of a final judgment
27 in this case, and will not waive such right to appeal in a settlement. In turn, Defendants have
28 informed Plaintiffs that no settlement is possible without such waiver of appeal.

1 In light of the parties' respective positions, they have already initiated discussions as to how
2 to best resolve this case in a way that minimizes this Court's time and the parties' resources while
3 permitting entry of a final appealable judgment. Among the options the parties' counsel are
4 discussing is stipulating to Plaintiffs' damages, possible dismissal of unadjudicated liability claims,
5 and the like. The parties agree that a settlement conference would not assist them in this process.
6 Accordingly, the parties request that the Court's Order of Reference to Magistrate Judge Ryu for
7 purposes of settlement (Dkt. No. 206) be vacated. Alternatively, the parties request that the Order of
8 Reference be stayed, pending further developments in this case.

9 **3. REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE TO**
10 **DECEMBER 7, 2015**

11 In light of the recent Ninth Circuit decision in this case and the parties' respective positions,
12 they would like additional time in which to determine whether they can reach an agreement which
13 will allow for the entry of a final judgment without the necessity of a trial or other pre-trial motions
14 on unadjudicated claims. Accordingly, the parties request the Court to continue the November 2nd
15 Case Management Conference to December 7, 2015, or as soon thereafter as is convenient for the
16 Court, to allow them time in which to discuss and consider the issues.

17 Respectfully Submitted,

18 Dated: October 26, 2015

Keck Law Offices

19 By: /s/ Anne L. Keck
Anne L. Keck
Attorneys for County Defendants

20 Dated: October 26, 2015

Caroline L. Fowler, Santa Rosa City Attorney

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

22 Dated: October 26, 2015

Robert Mann & Donald W. Cook, Attorneys at Law

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

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~~PROPOSED~~ ORDER

Pursuant to and in accordance with the foregoing stipulated request, and with good cause appearing,

IT IS HEREBY ORDERED as follows:

1. The Order of Reference entered on November 4, 2014 (Dkt. No. 206), by which this case was referred to Magistrate Judge Ryu for a settlement conference, is hereby vacated.

2. The Case Management Conference currently set for November 2, 2015, is hereby continued to December 7, 2015, at 1:30 p.m. The parties shall file an updated joint case management statement at least one week prior to the conference.

IT IS SO ORDERED.

Date: 10/29/2015



HONORABLE THELTON E. HENDERSON
United States District Court Judge