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 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

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

16 Plaintiffs,

17 vs.

18 **COUNTY OF SONOMA, SONOMA**
 19 **COUNTY SHERIFF’S DEPARTMENT,**
STEVE FREITAS, CITY OF SANTA
 20 **ROSA, SANTA ROSA POLICE**
DEPARTMENT, TOM
 21 **SCHWEDHELM, and DOES 1 through**
 22 **20; individually and in their official**
 capacities,

23 Defendants.

Case No. CV11-05817-TEH

SECOND JOINT
STIPULATION TO (1)
EXTEND BRIEFING
SCHEDULE ON MOTIONS
TO DISMISS, AND (2)
CONTINUE CASE
MANAGEMENT
CONFERENCE DATE;
~~**[PROPOSED]**~~ **ORDER**

25 This joint stipulation is entered into by and between all named parties in this action,
 26 including: Plaintiffs Rafael Mateos-Sandoval and Simeon Avendano Ruiz (collectively,
 27 “Plaintiffs”); Defendants the County of Sonoma, Sonoma County Sheriff’s Office, and
 28

1 Sonoma County Sheriff-Coroner Steve Freitas (collectively, “County Defendants”); and
2 the City of Santa Rosa, Santa Rosa Police Department, and Santa Rosa Police Chief Tom
3 Schwedhelm (collectively, “City Defendants”).

4 Pursuant to Civil L.R. 6-2, the parties request the Court to enter an order: (1)
5 extending the briefing schedule for the pending Motions to Dismiss; and (2) continuing
6 the initial Case Management Conference currently scheduled for June 18, 2012, at 10:00
7 a.m. The Court has previously issued an order granting the parties’ first stipulation
8 regarding these matters on April 30, 2012 (Dkt. No. 30).

9 The parties submit good cause supports this stipulation and request for order,
10 pursuant to the following.

11 **RECITALS**

12
13 A. Plaintiffs filed their Class Action Complaint for Damages and Injunctive Relief
14 in this case on December 2, 2011. County Defendants and City Defendants filed their
15 Motions to Dismiss the complaint on April 16, 2012.

16 B. Pursuant to the parties’ stipulation and order entered by the Court on April 30,
17 2012 (Dkt. No. 30), the Court permitted Plaintiffs to file their oppositions to such
18 Motions to Dismiss through May 14, 2012, and permitted Defendants to file their replies
19 through May 24, 2012. In addition, the Court also set both of the Motions for hearing on
20 June 18, 2012, at 10:00 a.m., and ordered that the initial Case Management Conference
21 be held at the same time. (Dkt. No. 30, p. 4.)

22
23 C. Donald W. Cook is the plaintiffs’ counsel responsible for preparing Plaintiffs’
24 oppositions to the two pending motions to dismiss. Mr. Cook was delayed in preparing
25 Plaintiffs’ oppositions in this case because (a) he mistakenly thought plaintiffs’
26 oppositions were due Monday, May 21, instead of Monday, May 14, and thus (b) Mr.
27 Cook spent most of his available time the last two weeks completing his clients’ briefs

1 in *Reed v. Baca*, 9th Cir. 1156429 (reply brief e-filed May 5, 2012), and appellant's
2 opening brief in *Rivera v. County of Los Angeles*, 9th Cir. 11-57037 (opening brief e-filed
3 May 15, 2012). The latter brief included a nearly 1,100 page excerpts of record. Mr. Cook
4 has completed and e-filed on May 16, 2012, Plaintiffs' Opposition to the Santa Rosa
5 defendants' motion (Dkt. No. 27), and e-filed on May 17, Plaintiffs' opposition to the
6 Sonoma County motion (Dkt. No. 20).

7 D. The parties have agreed to extend the briefing schedule on Defendants' motions
8 to permit Plaintiffs to file their oppositions through and including May 17, 2012, and that
9 the due date for all Defendants' replies will be extended through and including June 25,
10 2012. Further, the parties request that the hearings on the Motions as well as the Case
11 Management Conference be reset to July 16, 2012, at 10:00 a.m. (all of them are currently
12 set for June 18, 2012).

13 E. The extension of time for Defendants to file their replies regarding the Motions
14 to Dismiss (through June 25, 2012), and the continuance of the hearing date to July 16,
15 2012, is necessary to accommodate Deputy County Counsel Anne L. Keck, counsel for
16 County Defendants in this action. Ms. Keck has previously informed all counsel that she
17 will not be available for the period May 25, 2012 through June 11, 2012, and has filed a
18 Notice of Unavailability to that effect. Plaintiffs have agreed to provide Defendants with
19 at least 10 days time in which to prepare and file their replies to the oppositions, and thus
20 the filing of Plaintiffs' oppositions on May 16 and 17, 2012, does not provide County
21 Defendants with sufficient time in which to prepare and file their reply prior to Ms.
22 Keck's unavailability.
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24 WHEREFORE, the parties to this stipulation hereby agree and request entry of an
25 order as follows:
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STIPULATION

1. The parties request the briefing schedule on the pending Motions to Dismiss be extended to permit Plaintiffs to file their oppositions through and including May 17, 2012, and to permit Defendants to file their replies through and including June 25, 2012.

2. The parties request the Court to continue the initial Case Management Conference in this case to July 16, 2012, at 10:00 a.m., to occur concurrently with the hearings on Defendants' pending Motions to Dismiss.

3. The parties shall file a joint case management conference statement at least one week prior to the conference.

4. Nothing in this Stipulation and request for order is intended to modify other matters addressed in other Court orders, nor does it preclude the parties from seeking additional relief from this Court, to amend this stipulation and order or otherwise.

Respectfully submitted,

Dated: May 18, 2012

Bruce D. Goldstein, Sonoma County Counsel

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

Dated: May 18, 2012

Caroline L. Fowler, Santa Rosa City Attorney

By: /s/ Matthew J. LeBlanc
Matthew J. LeBlanc, Assistant City Attorney
Attorneys for City Defendants

Dated: May 18, 2012

Robert Mann & Donald W. Cook, Attorneys at Law

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

1 **[PROPOSED] ORDER**

2 Pursuant to and in accordance with the foregoing Stipulation, and with good cause
3 appearing,

4 IT IS HEREBY ORDERED as follows:

5 1. The briefing schedule on the pending Motions to Dismiss is extended to
6 permit Plaintiffs to file their oppositions through and including May 17, 2012, and to
7 permit Defendants to file their replies through and including June 25, 2012.

8 2. The hearings on the pending Motions to Dismiss are continued to July 16,
9 2012, at 10:00 a.m.

10 3. The initial Case Management Conference for this case, currently
11 scheduled to occur on June 18, 2012, at 10:00 a.m., is rescheduled to occur on July 16,
12 2012, at 10:00 a.m. (specially set to occur concurrently with motion hearings). The
13 parties shall file a joint case management conference statement at least one week prior to
14 the conference.
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16 IT IS SO ORDERED.

17 Date: 05/23/2012 _____

