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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 RAFAEL MATEOS-SANDOVAL, et al.,

No. CV-11-05817 TEH

13 Plaintiffs,

14 v.

15 COUNTY OF SONOMA, et al.,

16 Defendants.
 _____/

**JOINT STIPULATION TO (1) EXTEND
 TIME TO RESPOND TO COMPLAINT;
 (2) EXTEND TIME FOR COUNTY
 DEFENDANTS TO FILE NOTICE OF
 APPEAL PER FRAP 4(a)(5), AND (3)
 CONTINUE CASE MANAGEMENT
 CONFERENCE DATE; [~~PROPOSED~~]
 ORDER**

18 This joint stipulation is entered into by and between all named parties in this action,
 19 including: Plaintiffs Rafael Mateos-Sandoval and Simeon Avendano Ruiz (collectively,
 20 "Plaintiffs"); Defendants the County of Sonoma, Sonoma County Sheriff's Office, and Sonoma
 21 County Sheriff-Coroner Steve Freitas (collectively, "County Defendants"); and the City of Santa
 22 Rosa, Santa Rosa Police Department, and Santa Rosa Police Chief Tom Schwedhelm (collectively,
 23 "City Defendants"). Through this stipulation, the parties request the Court to enter an order: (1)
 24 extending the time for Defendants to respond to the Complaint to 30 days after the filing of the First
 25 Amended Complaint; (2) extending the time for County Defendants to file a notice of appeal on a
 26 portion of the Order entered as Docket No. 50 for 30 days per Federal Rule of Appellate Procedure
 27 4(a)(5), and (3) continuing the initial Case Management Conference currently scheduled for
 28

1 February 4, 2013, to March 11, 2013. The parties submit good cause supports this stipulation and
2 request for order, pursuant to the following.

3 **RECITALS**

4 A. In its “Order Granting in Part and Denying in Part Motions to Dismiss,” entered on
5 December 6, 2012 (Dkt. No. 50, the “Dismissal Order”), the Court dismissed several claims alleged
6 in the Complaint, but did not indicate whether Plaintiffs had leave to amend on any of the claims.
7 The parties believe that the Court would give leave to amend on several of the claims, and are in the
8 process of negotiating a stipulation to permit the filing of the First Amended Complaint. In the
9 absence of the filing of the First Amended Complaint, Defendants’ answers to the initial Complaint
10 are due to be filed on December 20, 2012.

11 B. The parties agree to forego the filing of answers to the initial Complaint in light of
12 Plaintiffs’ decision to file a First Amended Complaint. The parties also agree and stipulate that any
13 responses to the First Amended Complaint shall be due 30 days after it is filed.

14 C. In addition, County Defendants have informed the parties of their intent to file a
15 notice of appeal on that portion of the Dismissal Order denying them sovereign immunity under the
16 Eleventh Amendment, which interlocutory appeal is allowed as a matter of right. However, County
17 Defendants also intend to file in the next few days a motion for leave to file a motion to reconsider,
18 as well as an administrative motion for clarification, relating to certain specific provisions of the
19 Dismissal Order; the Eleventh Amendment immunity issue will not be addressed in such motions.
20 County Defendants wish to preserve the jurisdiction of this Court to consider such motions prior to
21 the filing of the notice of appeal, and/or prevent any confusion regarding such issue. Accordingly,
22 the parties have agreed that County Defendants should be provided with an additional 30 days in
23 which to file their notice of appeal regarding the Dismissal Order pursuant to Federal Rule of
24 Appellate Procedure 4(a)(5), through and including February 4, 2013.

25 D. On December 14, 2012, the Court *sua sponte* set the Case Management Conference in
26 this case for February 4, 2013. Counsel for County Defendants, Anne Keck, has informed the
27 parties that she will be summoned to jury duty in the Sonoma County Superior Court that day.

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1 Accordingly, considering the schedules of all counsel, the parties have agreed to reschedule the Case
2 Management Conference to March 11, 2013, at 1:30 p.m., if that date is convenient for 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 allow Defendants to forego filing answers to the initial
7 Complaint, and provide Defendants with 30 days to respond to the First Amended Complaint after it
8 is filed.

9 2. The parties request the Court to extend the time in which County Defendants may file
10 a notice of appeal relating to the Court's Dismissal Order (Dkt. No. 50, entered on December 6,
11 2012), for an additional 30 days, through and including February 4, 2013, pursuant to Federal Rule
12 of Appellate Procedure 4(a)(5).

13 3. The parties request the Court to continue the initial Case Management Conference in
14 this case to March 11, 2013, at 1:30 p.m., with the joint case management conference statement due
15 one week prior.

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

19 Respectfully submitted,

20 Dated: December 20, 2012

Bruce D. Goldstein, Sonoma County Counsel

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

23 Dated: December 20, 2012

Caroline L. Fowler, Santa Rosa City Attorney

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

26 Dated: December 20, 2012

Robert Mann & Donald W. Cook, Attorneys at Law

27 By: /s/ Donald W. Cook
28 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. No answers to the initial Complaint are required, and Defendants are provided with 30 days in which to respond to the First Amended Complaint after it is filed.

2. The time in which County Defendants may file a notice of appeal relating to the Court's Dismissal Order (Dkt. No. 50, entered on December 6, 2012) is extended for an additional 30 days, through and including February 4, 2013, pursuant to Federal Rule of Appellate Procedure 4(a)(5); and

3. The initial Case Management Conference for this case, currently scheduled to occur on February 4, 2013, is continued to March 11, 2013, at 1:30 p.m. The parties shall file a joint case management conference statement at least one week prior to the conference.

IT IS SO ORDERED.

Date: 01/02/2013

HONORABLE THELTON E. HENDERSON
United States District Judge

