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 7 Attorneys for Defendants the County
 of Sonoma, Sonoma County Sheriff's
 8 Office, and Sheriff-Coroner Steve Freitas

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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 FOR ORDER
 TO EXPEDITE BRIEFING AND
 HEARING SCHEDULE ON COUNTY
 DEFENDANTS' MOTION FOR
 RECONSIDERATION; [~~PROPOSED~~]
 ORDER**

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 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, County Defendants request the Court to enter an order
 24 for an expedited briefing and hearing schedule in connection with their motion for reconsideration
 25 related to the Order entered by the Court on December 6, 2012 (Dkt. No. 50). County Defendants
 26 submit good cause supports this stipulation and request for order, pursuant to the following.

1 **RECITALS**

2 A. In its “Order Granting County Defendants’ Motion for Leave to File a Motion to
3 Reconsider Portions of December 6, 2012 Order and Clarify that Dismissal was Without Prejudice,”
4 entered on January 2, 2013 (Dkt. No. 58), this Court granted County Defendants leave to file a
5 motion to reconsider on certain specified issues contained in its December 6, 2012 Order. In
6 addition, the Court provided County Defendants with 21 days from the date of such order to file
7 their motion (which calculates as January 23, 2013).

8 B. County Defendants have also informed the parties of their intent to file a notice of
9 interlocutory appeal on that portion of the December 6, 2012 Order (Dkt. No. 50) denying them
10 sovereign immunity under the Eleventh Amendment, which interlocutory appeal is allowed as a
11 matter of right. The parties stipulated and the Court granted County Defendants an extension of
12 time to file that appeal pursuant to Federal Rule of Appellate Procedure 4(a)(5) for 30 days, through
13 and including February 4, 2013 (see Dkt. No. 59).

14 C. County Defendants now believe that the filing of that appeal will divest this Court of
15 jurisdiction to consider the issues on which leave to file a motion to reconsider has been granted,
16 specifically: (1) the interpretation and application of Vehicle Code § 12801.5(e); and (2) the
17 interpretation and determination of legislative intent with respect to Vehicle Code § 14602.6(a). (See
18 e.g., *Chuman v. Wright*, 960 F.3d 104, 105 (9th Cir. 1992); *Behrens v. Pelletier*, 516 U.S. 299, 308
19 (1996).)

20 D. Accordingly, County Defendants have requested the parties to agree to an expedited
21 briefing and hearing schedule regarding their motion to reconsider, to permit the Court to be able to
22 resolve the relevant issues prior to the February 4th deadline to file their interlocutory appeal.

23 WHEREFORE, the parties hereby agree and request entry of an order as follows:

24 **STIPULATION**

25 1. With consent of the parties, County Defendants request the Court to set the following
26 expedited briefing and hearing schedule on County Defendants’ Motion to Reconsider the December
27 6, 2012 Order:
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County Defendants' Motion to Reconsider due: January 15, 2013
Oppositions due to Motion to Reconsider: January 21, 2013
Reply to Opposition(s) due: January 23, 2013
Hearing on Motion to Reconsider: January 28, 2013, at 10:00a.m.

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

Respectfully submitted,

Dated: January 9, 2013

Bruce D. Goldstein, Sonoma County Counsel

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

Dated: January 9, 2013

Caroline L. Fowler, Santa Rosa City Attorney

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

Dated: January 9, 2013

Robert Mann & Donald W. Cook, Attorneys at Law

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 Stipulation, and with good cause appearing,
IT IS HEREBY ORDERED that the following expedited briefing and hearing schedule is
established regarding County Defendants' Motion to Reconsider the December 6, 2012 Order:

County Defendants' Motion to Reconsider due:	January 15, 2013
Oppositions to Motion to Reconsider due:	January 21, 2013
Reply to Opposition(s) due:	January 23, 2013
Hearing on Motion to Reconsider:	January 28, 2013, at 10:00a.m.

IT IS SO ORDERED.

Date: 01/14/2013

HONORABLE THELTON E. HENDERSON
United States District Judge

Judge Thelton E. Henderson
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA