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7 Attorneys for Defendants  
 COUNTY OF ALAMEDA, ALAMEDA COUNTY  
 8 SHERIFF'S DEPARTMENT and GREGORY AHERN

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 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12

13 ELISA RAMIREZ, Guardian ad Litem for A.S.,  
 minor,

Case No. C12-4852-MEJ

14 Plaintiff,

15 **STIPULATED REQUEST TO EXTEND TIME TO**  
**RESPOND TO COMPLAINT; ~~PROPOSED~~**  
**ORDER**

16 v.

17 COUNTY OF ALAMEDA, ALAMEDA  
 COUNTY SHERIFF'S DEPT., GREGORY  
 18 AHERN, Sheriff,

19 Defendants.  
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21 The parties in the above-captioned case, by and through their counsel of record, hereby represent  
 22 to the Court as follows:

23 1. On September 14, 2012, Plaintiff filed the Complaint initiating the above-captioned action  
 24 against the County of Alameda, Alameda County Sheriff's Department and Sheriff Gregory Ahern.

25 2. On September 27, 2012, Plaintiff served the Complaint on the County of Alameda,  
 26 Alameda County Sheriff's Department and Sheriff Gregory Ahern by personal service.

27 3. Defendants County of Alameda, Alameda County Sheriff's Department and Sheriff  
 28 Gregory Ahern's last day to file a responsive pleading to the Complaint was October 18, 2012.

1           4.       By Order dated October 25, 2012, this Court approved the parties' stipulation extending  
2 defendants' time to respond to the complaint to November 1, 2012.

3           5.       On October 26, 2012 counsel for defendants sent meet and confer correspondence to  
4 plaintiff's counsel regarding requesting plaintiff dismiss certain causes of action from the complaint in an  
5 effort to avoid a motion to dismiss.

6           6.       Prior to November 1, 2012, plaintiff's counsel indicated that he was agreeable to  
7 amending plaintiff's complaint as requested, including dismissal of the *Monell* liability claim, and  
8 indicated that he would prepare a stipulation and order for filing with the Court requesting leave from the  
9 Court to file the amended pleading.

10          7.       Plaintiff's counsel provided a proposed stipulation and order on November 21, 2012  
11 indicated that plaintiff would amend the original Complaint in this action and voluntarily dismiss the  
12 following causes of action against Defendants:

- 13           a.       The zone of privacy charges, which appears in both the First and Second causes of  
14 action in Plaintiff's original Complaint;
- 15           b.       Fourth Cause of Action for *Monell* liability in Plaintiff's original Complaint;
- 16           c.       Any claims for injunctive relief in Plaintiff's original Complaint;
- 17           d.       Any state law claims imposing direct liability on law enforcement agencies for  
18 negligent hiring, retention, training, supervision or discipline,

19          8.       Prior to the stipulation being filed, on December 5, 2012, plaintiff's counsel contacted  
20 defense counsel and indicated plaintiff was now unwilling to voluntarily dismiss the *Monell* liability  
21 claim contained in the complaint.

22          9.       Defendants intend to file a Motion to Dismiss that claim.

23          10.       To allow defendants time to file their motion, the parties therefore stipulate to extend the  
24 time for defendants to respond to the Complaint through and including December 13, 2012, the date of  
25 the initial Case Management Conference in this action. Defendant would have brought its motion to  
26 dismiss earlier so as not to interfere with this Court's initial scheduling order but for plaintiff's counsel's  
27 change in position regarding a voluntary amendment of plaintiff's complaint.

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DATED: December 5, 2012

LAW OFFICES OF JOHN L. BURRIS

By: /s/ DeWitt Lacy  
John L. Burris  
DeWitt Lacy  
Attorneys for Plaintiff  
ELISA RAMIREZ, Guardian  
ad Litem for A.S., minor

DATED: December 5, 2012

BERTRAND, FOX & ELLIOT

By: /s/ Michael C. Wenzel  
Thomas F. Bertrand  
Michael C. Wenzel  
Attorneys for Defendants  
COUNTY OF ALAMEDA, ALAMEDA  
COUNTY SHERIFF'S DEPARMENT and  
GREGORY AHERN

**ORDER**

Upon the foregoing Stipulation, and for good cause shown, IT IS ORDERED that the time for Defendant to respond to the Complaint shall be extended to December 20, 2012.

Dated: December 5, 2012



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UNITED STATES CHIEF MAGISTRATE JUDGE  
MARIA-ELENA JAMES

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