

1 MICHAEL W. BIEN – 096891
LISA ELLS – 243657
2 VAN SWEARINGEN – 259809
ROSEN BIEN GALVAN & GRUNFELD LLP
3 50 Fremont Street, 19th Floor
San Francisco, California 94105-2235
4 Telephone: (415) 433-6830
Facsimile: (415) 433-7104
5 Email: mbien@rbgg.com
lells@rbgg.com
6 vswearingen@rbgg.com

7 Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDY DAVID RAY ROBERTSON,
Plaintiff,
v.
CONTRA COSTA COUNTY, et al.,
Defendants.

Case No. 3:15-cv-02549-WHO

**STIPULATION AND ORDER TO
EXTEND COUNTY DEFENDANTS'
TIME TO FILE AN AMENDED
ANSWER AND PLAINTIFF'S TIME
FOR MOVING TO STRIKE THE
OPERATIVE ANSWER**

Judge: Hon. William H. Orrick

Trial Date: October 23, 2017

1 WHEREAS, Defendants Contra Costa County, Contra Costa Office of the Sherriff,
2 and Contra Costa Health Services (collectively, “County Defendants”) served their Answer
3 to Plaintiff Randy David Ray Robertson’s First Amended Complaint (Dkt. No. 51,
4 “Answer”) on August 26, 2016;

5 WHEREAS, Plaintiff Robertson’s current deadline for filing a motion to strike
6 County Defendants’ Answer under Fed. R. Civ. Proc. 12(f)(2) is September 16, 2016;

7 WHEREAS, Plaintiff Robertson’s counsel informed County Defendants’ counsel
8 that all of the affirmative defenses in the Answer are insufficiently pled or not affirmative
9 defenses at all, and that Plaintiff Robertson intended to move to strike all affirmative
10 defenses on these grounds;

11 WHEREAS, County Defendants agreed to file Amended Answer to Plaintiff Randy
12 David Ray Robertson’s First Amended Complaint (“Amended Answer”) to attempt to
13 avoid unnecessary law and motion work;

14 WHEREAS, County Defendants seek additional time to file an Amended Answer
15 so that the parties can focus their resources on the upcoming October 4, 2016 settlement
16 conference before the Hon. Judge Spero and possibly avoid unnecessary work in the event
17 settlement is reached;

18 WHEREAS, the parties agree that County Defendants’ may file an Amended
19 Answer by October 14, 2016;

20 WHEREAS, the parties agree that Plaintiff Robertson does not waive his right to
21 move to strike County Defendants’ operative answer and the County Defendants do not
22 waive their right to seek further leave to amend in response to any motion to strike the
23 Amended Answer;

24 WHEREAS, the parties agree that Plaintiff Robertson’s deadline to file a motion to
25 strike County Defendants’ operative answer under Fed. R. Civ. Proc. 12(f)(2) is extended
26 to 21 days after County Defendants file an Amended Answer, or to November 4, 2016 in
27 the event County Defendants do not file an Amended Answer;

28 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and

1 between the Parties, through their respective counsel that:

- 2 • County Defendants' deadline to file an Amended Answer is extended to
- 3 October 14, 2016; and
- 4 • Plaintiff Robertson's deadline to file a motion to strike County Defendants'
- 5 operative answer is extended to 21 days after County Defendants file an
- 6 Amended Answer, or to November 4, 2016 in the event County Defendants
- 7 do not file an Amended Answer.

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9 DATED: September 14, 2016

Respectfully submitted,

10 ROSEN BIEN GALVAN & GRUNFELD LLP

11 By: /s/ Van Swearingen
12 Van Swearingen

13 Attorneys for Plaintiff

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16 DATED: September 14, 2016

Respectfully submitted,

17 SHARON L. ANDERSON
18 COUNTY COUNSEL

19 By: /s/ Patrick L. Hurley

20 Patrick L. Hurley
21 Deputy County Counsel

22 Attorneys for Defendants
23 CONTRA COSTA COUNTY, CONTRA COSTA
24 OFFICE OF THE SHERIFF, AND CONTRA
25 COSTA HEALTH SERVICES
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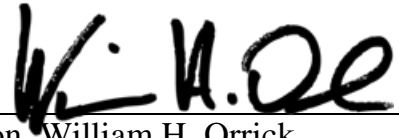
ORDER

Based on the stipulation of the parties and good cause appearing therefor, IT IS
HEREBY ORDERED that the existing deadlines are extended as follows:

- County Defendants’ deadline to file an Amended Answer is extended to October 14, 2016; and
- Plaintiff Robertson’s deadline to file a motion to strike County Defendants’ operative answer is extended to 21 days after County Defendants file an Amended Answer, or to November 4, 2016 in the event County Defendants do not file an Amended Answer.

IT IS SO ORDERED.

DATE: September 14, 2016



Hon. William H. Orrick
United States District Judge