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August 1, 2016

VIA ELECTRONIC FILING (ECF)

Magistrate Judge Laurel Beeler
United States District Court
Northern District of California
San Francisco Courthouse, Courtroom C - 15th Floor
450 Golden Gate Ave., San Francisco, CA 94102

Re: *Martinez, et al. v. County of Sonoma, et al.*
USDC Northern District of CA Case No. 15-cv-04574-JD
Lopez, et al. v. County of Sonoma, et al.
USDC Northern District of CA Case No. 16-cv-01573-JD

Dear Magistrate Judge Beeler:

Defendants County of Sonoma ("the County"), Steve Freitas, Michael Merchen, Brian Gallaway, Chad McMasters, Jason Squires, Robert Travelstead, William Walton, David Cooper, Matthew Crook, Joseph Galante, Adam Gordon, Todd Grenier, Amanda Lee, Joseph Medeiros, Joseph Nougier, Michael Patrick, Craig Peterson and Kyle Smith hereby respectfully request that all individual defendants except Lt. Merchen and Sgt. Gallaway be excused from attending the Settlement Conference in these matters scheduled for August 16, 2016.

At all relevant times, Freitas, Merchen, Awad, Gallaway, McMasters, Squires, Travelstead, Walton, Cooper, Crook, Galante, Gordon, Grenier, Lee, Medeiros, Nougier, Patrick, Peterson and Smith were acting in the course and scope of their employment with the County. Therefore, the County is providing them with a defense and indemnity. None of the individual defendants have settlement authority. They do have first-hand information about the incident, which information was or will be provided to counsel at the deputies' depositions and which information will be contained in defendants' MSC Statement, which will be served on plaintiffs.

Personal attendance of the 18 individual defendants will cause a hardship to the Sonoma County Sheriff's Office, Detention Division as it will impact the Division's ability to properly staff the shifts worked by these lieutenants, sergeants, and deputies and/or will require the

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County to pay significant overtime pay. Further, Steve Freitas is Sheriff-Coroner for the County of Sonoma. His personal attendance at the mediation will cause a hardship to the County as it will require the highest ranking law enforcement officer to leave the County and be inaccessible.

Defendants will have present at the Settlement Conference: (1) Janelle Crane, Liability Manager for the County, who has authority to participate in the Settlement Conference, to enter into a tentative settlement agreement and authority to recommend the agreement to the Board of Supervisors; (2) Assistant Sheriff Randall Walker; (3) Lieutenant Michael Merchen; and (4) Sergeant Brian Gallaway.

Prior to drafting this correspondence, defense counsel discussed the settlement conference with plaintiff's counsel, who did not oppose the above-named personnel not being present.

Defendants thank the Court in advance for its consideration of this request.

Very truly yours,

BERTRAND, FOX, ELLIOT,
OSMAN & WENZEL

By: /s/ Richard W. Osman
Richard W. Osman

RWO/jo

cc: John H. Scott
Izaak D. Schwaiger
Lizabeth N. deVries

The court ordinarily hears from defendants who also are percipient witnesses at settlement conferences and tries not to inconvenience parties overly. That said, the court has worked with both counsel before and trusts their assessment of appropriate attendance. The court asks counsel to ensure that defendants who might be helpful to the court's ordinary settlement process (including the ordinary joint session) are present.

Dated: August 5, 2016

