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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 JEFF RAGAN, an Individual; JANINE
15 RAGAN, an Individual;

16 **PLAINTIFFS**

17 v.

18 COUNTY OF HUMBOLDT, by and
19 through DEPARTMENT OF HEALTH
20 AND HUMAN SERVICES; CONNIE
21 BECK, an Individual; KERI
22 SCHROCK, an Individual; ANN
23 SEAQUIST, an Individual; DOLORES
HICKENBOTTOM, an Individual; and
DOES 1 through 50, inclusive,

24 **DEFENDANTS**

Case No.: 3:16-CV-05580-rs

*[Assigned for all matters to the
Honorable Judge Richard Seeborg
Courtroom 3]*

**JOINT STIPULATION TO
CONTINUE DEADLINE FOR
PLAINTIFF TO FILE OPPOSITION
TO DEFENDANTS' MOTION TO
DISMISS, OR, ALTERNATIVELY,
FOR SUMMARY JUDGMENT;
[PROPOSED] ORDER**

27 **TO THE HONORABLE RICHARD SEEBORG, UNITED STATES**
28 **DISTRICT JUDGE, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

1 Plaintiffs JEFF RAGAN and JANINE RAGAN, Defendants COUNTY OF
2 HUMBOLDT, CONNIE BECK, KERI SCHROCK, ANN SEAQUIST, and
3 DOLORES HICKENBOTTOM, by and through their respective counsels of record,
4 jointly request, pursuant to stipulation, that this Honorable Court continue the
5 deadline for Plaintiffs to file their Anticipated Opposition to Defendants' Motion to
6 Dismiss, or, alternatively, for Summary Judgment.

7 This stipulation to continue the deadline to file Plaintiffs' Opposition is based
8 on the fact that Plaintiffs' counsel did not receive the unredacted Memorandum of
9 Points and Authorities in support of said motion, nor the unredacted exhibits lodged
10 under seal, until after this Honorable Court signed and filed the Stipulated Protective
11 Order on January 17, 2017. See Docket No. 23. As such, there was a significant delay
12 between when Defendants filed said Motion to Dismiss and Plaintiffs' counsel
13 received a complete version of the supporting documents and arguments, such that
14 Plaintiffs necessarily require an extension of time to allow for the fourteen (14) days
15 normally provided for filing an Opposition pursuant to L.R. 7-3(a) so that the Motion
16 may be properly opposed on its merits. Counsel of record for all Parties hereby
17 stipulate and agree as follows:

18 **I. TIMING OF MOTION AND DISCLOSURE**

19 WHEREAS, this lawsuit was filed on September 30, 2016, alleging
20 deprivation of civil rights by individual defendants and asserting *Monell* liability
21 against the employing municipality, Defendant County of Humboldt, arising from the
22 actions and inactions of defendants related to a juvenile dependency matter. See
23 Docket No. 1.

24 WHEREAS, on October 17, 2016, the case was formally assigned to the
25 Honorable Judge Richard Seeborg. See Docket No. 11.

26 WHEREAS, on January 5, 2017, Waivers of Service were filed on behalf of all
27 defendants. See Docket Nos. 14-18.

28 WHEREAS, on January 13, 2017, Defendants filed a Motion to Dismiss, or, in
the alternative, Motion for Summary Judgment, asserting that as a matter of law

1 Plaintiffs should not be allowed to proceed with any of the asserted claims contained
2 in the Complaint. See Docket No. 22.

3 Whereas, because of the confidentiality surrounding juvenile dependency
4 proceedings generally, as well as the confidentiality of minor J.H. as identified in the
5 Complaint, Defendants filed a Motion to File Under Seal the unredacted Motion to
6 Dismiss as well as the Exhibits filed in support of the same. See Docket No. 21.

7 WHEREAS, on January 18, 2016, this Honorable Court granted Defendants
8 Motion to File Under Seal. See Docket No. 24.

9 WHEREAS, previously, parties met and conferred and agreed that disclosure
10 of the unredacted documents in support of Defendants’ Motion to Dismiss would be
11 sent by express mail or similar means immediately once a protective order was in
12 place to allow the transmission of such confidential documents relating to the
13 juvenile dependency proceedings. As part of this conference of counsel, it was
14 informally agreed that Defendants would stipulate to an extension of time in which to
15 allow Plaintiffs to file a responsive pleading, so as to allow the full statutory time
16 period to oppose the motion once Plaintiffs and their counsel were in full possession
17 of the unredacted documents previously filed under seal.

18 WHEREAS, Parties filed a Joint Stipulation for Protective Order on January
19 13, 2017, requesting that this Honorable Court allow counsel for the parties to freely
20 transmit confidential or otherwise sensitive juvenile dependency documents to each
21 other as necessary. See Docket No. 20.

22 WHEREAS, on January 17, 2017, this Honorable Court signed and filed the
23 Stipulated Protective Order, pursuant to the parties’ Joint Stipulation for the same.
24 See Docket No. 23.

25 WHEREAS, subsequent to the signing and filing of the Stipulated Protective
26 Order, counsel for the defendants caused the unredacted versions of documents –
27 previously filed under seal with this Honorable Court – to be transmitted to counsel
28 for Plaintiffs via UPS. Plaintiffs’ counsel received said documents on or about

1 January 18, 2017 and counsel for Plaintiffs first reviewed said documents on January
2 19, 2017.

3 WHEREAS, L.R. 7-3(a) for the Northern District of California expressly
4 requires that an Opposition to a pending Motion must be filed no later than 14 days
5 after the motion was filed. Based on plain language of this rule, Plaintiffs' counsel is
6 presently obligated to file an Opposition no later than Friday, January 27, 2017.

7 WHEREAS, the delay of approximately six (6) days in obtaining the
8 unredacted Points and Authorities and the supporting exhibits, substantially prevents
9 Plaintiffs' counsel from preparing and filing a thorough and complete Opposition to
10 the Motion to Dismiss by Friday, January 27, 2017.

11 WHEREAS, having met and conferred, counsel for all parties, in good faith
12 and in an effort to allow for full and fair litigation of the issues raised in Defendants'
13 pending Motion to Dismiss, or, alternatively, Motion for Summary Judgment, hereby
14 stipulate and agree to the following:

- 15 1. That the deadline for Plaintiffs to file their anticipated Opposition to
16 Defendants Motion to Dismiss, or, alternatively, Motion for Summary
17 Judgment, be extended continued one week, from Friday, January 27, 2017 to
18 Friday, February 3, 2017.
- 19 2. That the deadline for filing of Defendants' Reply shall be February 10,
20 2017.

21 **II. REQUESTED ORDER**

22 For the above described reasons, which demonstrate the diligence of parties in
23 working in good faith to litigate the issues set forth in both Plaintiffs' Complaint and
24 Defendants' pending Motion to Dismiss, this Honorable Court issue an Order as
25 Follows:
26
27
28

<u>Event</u>	<u>Old Date</u>	<u>New Date</u>
Deadline to Oppose Motion to Dismiss	1/27/2017	2/3/2017
Deadline for Reply	2/03/2017	2/10/2017

IT IS SO STIPULATED.

DATED: January 20, 2017

By: /s/ Nancy K. Delaney

Nancy Delaney
William Mitchell
Attorneys for Defendants

DATED: January 20, 2017

By: /s/ Daniel C. Sharpe

Vincent W. Davis, Esq.
Daniel C. Sharpe, Esq.
Attorneys for Plaintiffs

* * * *

ORDER

Good cause appearing, based upon the Stipulation of the parties through counsel, filing dates should be extended as follows:

1. Plaintiffs' Opposition to Defendants' Motion to Dismiss, or, alternatively, Motion for Summary Judgment, shall be due no later than February 3, 2017; and
2. Defendants' Reply to the Opposition shall be due no later than February 10, 2017.

IT IS SO ORDERED.

DATED: 1/23/17


HONORABLE RICHARD C. LEBORG
United States District Court