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24 Attorneys for Defendants
 25 COUNTY OF ALAMEDA, GREGORY J. AHERN, JASON LUNA and PAUL LISKEY

26
 27 UNITED STATES DISTRICT COURT
 28 NORTHERN DISTRICT OF CALIFORNIA

29 MARK ANTHONY JAEGEL, et al.,

30 Plaintiff,

31 vs.

32 THE COUNTY OF ALAMEDA, et al.,

33 Defendants,

34 Case No: C09-00242 CW
 35 Related Case No: C09-03181 CW

36 STIPULATION TO CONTINUE CASE
 37 MANAGEMENT CONFERENCE;
 38 ORDER

39 CMC Hrg Date: 4/13/2010 at 2:00 p.m.

40
 41 The undersigned hereby stipulates and jointly requests that the Court order a
 42 continuance of the Case Management Conference which is currently scheduled for April

1 13, 2010, at 2:00 p.m. in Courtroom 2, 4th Floor, Oakland, CA. It is requested that the Case
2 Management Conference be continued ninety (90) days to July 13, 2010, at 2:00 p.m. in
3 Courtroom 2 based on the following:

4 **DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**

5 1. The following progress or changes have occurred since the last case
6 management statement filed by the parties:

7 (a) Plaintiffs' Motion For Class Certification was partially granted on January 22,
8 2010.

9 (b) Defendants GREGORY J. AHERN and JASON LUNA appeared voluntarily,
10 along with the COUNTY OF ALAMEDA. The remaining defendants were voluntarily
11 dismissed by plaintiffs on December 23, 2009.

12 (c) On January 20, 2010, the court issued an order relating this action and case
13 #C09-03181, in which plaintiff Mark Jaegel, Sr. seeks damages for the value of 344 game
14 fowl that were seized from his property as part of the investigation of the events giving rise
15 to plaintiffs' arrest.

16 (d) The parties participated in mediation with court-appointed mediator Jeffrey
17 Goldfein, Esq. on March 24, 2010. The case was not resolved.

18 (e) Defendant's counsel took preliminary depositions of Plaintiffs Mark Jaegel, Sr.,
19 and Mark Jaegel, Jr., on September 2, 2009, to determine the nature and duration of their
20 incarceration and the nature of any searches of their person associated with their arrest
21 and incarceration. Defendants' counsel will be scheduling Volume II of Plaintiff Mark
22 Jaegel, Sr., deposition which will address further inquiries pertaining to the search of his
23 person, in addition to the loss of his 344 gamefowl which plaintiff alleges were euthanized
24 in violation of due process requirements and protections set forth in 599aa of the Cal. Pen.
25 Code and pursuant to his 4th, 5th and 14th Amendment Constitutional Rights and
26 Protections. Defendants' counsel also anticipates deposing the other five persons who
27
28

1 were arrested with plaintiffs, the owners of the property on which the arrests took place, as
2 well as other witnesses who have not yet been identified.

3 (f) Plaintiffs have propounded their first set of interrogatories and requests for
4 admissions. Additional written discovery will be propounded to Defendants once responses
5 to the initial discovery is received and evaluated.
6

7 Defendants anticipate that written discovery will be propounded once the above
8 referenced depositions are complete.

9 (g) Since both cases are now related and are in the beginning stages of
10 discovery it has been conceded by counsel that the Case Management Conference be
11 continued so that parties can conduct the above discovery and have a better sense of what
12 other discovery may be required, if any, in addition to having a better perspective on
13 offering the Court future hearing dates and deadlines.

14 Wherefore the parties jointly request that the Court order as follows:

15 1. That the Case Management Conference currently scheduled for April 13,
16 2010, at 2:00 p.m. to continued to July 13, 2010, at 2:00 p.m. in Courtroom 2, 4th Floor,
17 Oakland, CA.

18 It is so stipulated:

19 DATED: April 7, 2010

/S/ Gregory J. Rockwell

20 GREGORY J. ROCKWELL, ESQ.,
21 Attorney for Defendants, COUNTY OF
22 ALAMEDA, GREGORY J. AHERN,
23 JASON LUNA and PAUL LISKEY
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1 DATED: April 7, 2010

/S/ John R. Cogorno

2 JOHN R. COGORNO, ESQ.,

3 Attorney for Plaintiff

4
5 DATED: April 7, 2010

/S/ Michel F. Mills

7 MICHEL F. MILLS, ESQ.,

8 Attorney for Plaintiff

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10 **ORDER**

11 GOOD CAUSE appearing, it is ordered that the Case Management Conference
12 currently scheduled for April 13, 2010, at 2:00 p.m. to continued to July 13, 2010, at 2:00
13 p.m. in Courtroom 2, 4th Floor 1301 Clay Street, Oakland, CA.

14
15 DATED: 4/9/2010

Claudia Wilken

16 Honorable Claudia Wilken

17 United States District Court Judge