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16 Attorneys for Defendants
17 COUNTY OF ALAMEDA, GREGORY J. AHERN,
and DEREK POPE

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

20 LOUIS POLK, JR., and JOZETTE
LESTER,

21 Plaintiffs,

22 vs.

23 COUNTY OF ALAMEDA, a governmental
entity; GREGORY J. AHERN,
24 individually, and in his capacity as Sheriff
for COUNTY OF ALAMEDA; DEREK
25 POPE, and; DOES 1-25, inclusive,
individually, and in their capacity as deputy
26 sheriffs and/or employees of COUNTY OF
ALAMEDA,

27 Defendants.

) Case No. C-13-04790 KAW

) Date Action Filed: October 15, 2013

) UPDATED JOINT CASE MANAGEMENT
CONFERENCE STATEMENT; AND
STIPULATION AND ~~PROPOSED~~ ORDER

) Honorable Magistrate Judge
Kandis A. Westmore

1 The parties, by and through their attorneys, submit the following Updated Joint Case
2 Management Conference Statement; and Stipulation and ~~Proposed~~ Order, as follows:

3 **UPDATED JOINT CASE MANAGEMENT CONFERENCE STATEMENT**

4 Plaintiff, LOUIS POLK, JR., is deceased. There has been delay by Plaintiffs' counsel in
5 contacting and conferring with Plaintiff JOZETTE LESTER, daughter of LOUIS POLK, JR.,
6 regarding whether or not she wished to continue prosecuting this case on her father's behalf or on
7 her own behalf, based on the grounds as set forth in the Complaint. Plaintiffs' counsel, Ms. Libet,
8 apologizes to the Court for this delay. Plaintiffs' counsel, Ms. Libet, has now contacted JOZETTE
9 LESTER, who has decided that she does wish to continue prosecuting this case on her father's
10 behalf, and on her own behalf. As a result of the delay in finalizing this decision, Plaintiffs have also
11 delayed in responding to Defendants' requests to set a mediation date in May. Defendants' clients
12 and counsel are now unavailable the last three weeks of May.

13 In order to proceed, Plaintiffs' counsel must also file a First Amended Complaint substituting
14 in the caption and in the Complaint that Plaintiffs' status has changed as follows: "JOZETTE
15 LESTER, individually, and as personal representative of the ESTATE OF LOUIS POLK, JR."
16 Defendants anticipate stipulating to that filing as long as Plaintiffs provide to them adequate
17 evidence that Ms. Lester is the proper personal representative as defined under the California Code
18 of Civil Procedure to proceed with the case.

19 The parties agree that these circumstances require that the cutoff date for completion of the
20 mediation be moved. Plaintiffs also believe that it would be more efficient to proceed with
21 mediation after the parties have served written discovery and served their responses to that discovery.

22 **STIPULATION AND ~~PROPOSED~~ ORDER**

23 All parties to this action stipulate and agree, by and through their respective counsel, as
24 follows:

25 1. Plaintiffs will by May 14 provide Defendants with the evidence of Ms. Lester's
26 successor status. Plaintiffs will be prepared to file within two days of Defendants' acceptance of that
27 evidence an amended complaint that will contain only the change to the Plaintiffs' status to state
28

