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2	MELISSA R. KINIYALOCTŠ, Lead Deputy County Counsel (S.B. #215814) STEPHEN H. SCHMID, Deputy County Counsel (S.B. #078055)						
3							
4	San Jose, California 95110-1770 Telephone: (408) 299-5900 *E-FILED 04-28-2010 *						
5	Facsimile: (408) 292-7240						
6	BORELLI, LAWRENCE GALLEGOS,						
7							
8							
9	UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA						
10	(San Jose)						
11							
12	UNITED STATES OF AMERICA,) No. C05-01962 HRL ex. rel. DONNA M McLEAN et al.,)						
13	Plaintiffs, STIPULATION AND RROROSINKORDER Diantiffs, Double of the state of the st						
14) DECLARATION OF STEVE SCHMID IN) SUPPORT THEREOF						
15	V.) SUITORI IIIEREOF						
16	THE COUNTY OF SANTA CLARA, a) MODIFIED BY THE COURT						
17							
18	Defendants.						
19							
20	Pursuant to the Court's April 2, 2010 Order (Docket No. 307), hearing on the parties						
21	cross-motions for summary judgment is scheduled for June 8, 2010. The April 2, 2010 order						
22	specified a briefing schedule set "in accordance with a normal 35-day calendar under Civil						
23	Local Rule 7." Therefore, opposition briefs are due on May 18, 2010 and reply briefs are due						
24	on May 25, 2010.						
25	Due to the factual complexity of Relator's Motion for Partial Summary Judgment,						
26	Defendants will require additional time to file their opposition. Relator has agreed to a						
27	modification of the April 2, 2010 Order with the Court's permission. Therefore, the parties						
28	hereby submit the following stipulation and order to modify the current scheduling order as						
EZ isel	Stipulation and Proposed Order to Modify School June Order Declaration of Stave						

1	follows:			
2		<u>Current</u>	Proposed	
3	Hearing Date for both cross-motions	June 8, 2010	August 3, 2010	
4	Oppositions due for both cross-motions	May 18, 2010	June 22, 2010	
5	Replys due for both cross-motions	May 25, 2010	July 20, 2010	
6	This Stipulation and Proposed Order is accompanied by the Declaration of Steve Schmid			
7	attached hereto.			
8	I hereby attest that I have on file all holographic signatures for any signatures indicated by			
9	"conformed" signature (/S/) within this efiled document.			
10	IT IS SO STIPULATED.			
11				
12		Respectfully S	Submitted,	
13		MIGUEL MÁ Acting County	RQUEZ	
14	Dated: April 27, 2010	Acting County	Counser	
15		By: <u>/S/</u> STEVE SCHN	/ //ID	
16		Deputy Count		
17		Attorneys for I	Defendants SANTA CLARA,	
18		KENNETH B	ORELLI, LAWRENCE EPIFANIO REYNA, and	
19		TANYA BEY		
20				
21			E OF JEREMY L. FIERNEY, WATSON &	
22	Dated: April 27, 2010	HEALY	,	
23		By: <u>/S/ Jeremy</u> JEREMY FRI	<u>L. Friedman</u> EDMAN	
24		Attorneys for l		
25		DONNĂ McL		
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JEZ nsel ara	Stipulation and Proposed Order to Modify Scheduling Order; Declaration of Steve			

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M IGUEL MÁRQUEZ Acting County Counsel County of Santa Clara San Jose, California

Scheduling Order; Declaration of Steve Schmid in Support Thereof

DECLARATION OF STEVE SCHMID IN SUPPORT OF STIPULATION	N
AND PROPOSED ORDER TO MODIFY SCHEDULING ORDER	

3	I, Steve Schmid, declare as follows:	
4	1. I am employed as a Deputy County Counsel for the County of Santa Clara and am	
5	duly licensed to practice law before this Court and all California courts. I am one of the	
6	attorneys of record for the County of Santa Clara Defendants.	
7	2. Relator's motion for partial summary judgment is voluminous and data-intensive. It	
8	will require more time to efficiently and completely respond to the factual portion of the motion	
9	than can be accomplished under the current briefing schedule.	
10	3. This request for an order to modify the scheduling order is made jointly pursuant to	
11	stipulation. Counsel for Relator and Santa Clara County Defendants have met and conferred	
12	regarding the proposed modified schedule.	
13	I declare under penalty of perjury under the laws of the State of California that the	
14	foregoing is true and correct. Executed this 27 th day of April, 2010 at San Jose, California.	
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16	/S/ STEVE SCHMID	
17	STEVE SCHIME	
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1	ORDER				
2	The Court has considered the stipulation to modify the scheduling order information				
3	modification specified in the April 2, 2010 Order and makes the following order pursuant to the stipulation:				
4		<u>Current</u>	Proposed		
5	Hearing Date for both cross-motions	June 8, 2010	24 August <u>x</u> 2010 10:00 AM		
6	Oppositions due for both cross-motions	May 18, 2010	June 22, 2010		
7	Replys due for both cross-motions	May 25, 2010	July 20, 2010		
8	IT IS SO ORDERED.				
9	II IS SO OKDERED.				
10	Dated:April 28, 2010	$\Lambda \cup$			
11	Dated	JUDGE HOWAR			
12		UNITED STATE	S MAGIS TRATE JUDGE		
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M IGUEL MÁRQUEZ Acting County Counsel County of Santa Clara San Jose, California Stipulation and Proposed Order to Modify Scheduling Order; Declaration of Steve Schmid in Support Thereof