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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

MATT FREDENBURG, et al.)	Case No. C07 04412 JW
)	
Plaintiffs,)	ORDER CONTINUING CASE
v.)	MANAGEMENT CONFERENCE
)	
COUNTY OF SANTA CLARA, et al.,)	
)	Date: November 15, 2010
)	Time: 10:00 a.m.
)	Dept.: 8
Defendants.)	Judge: Hon. James Ware
_____)	

1 All parties jointly submit this Case Management Statement and Proposed Order pursuant
2 to the Court's September 21, 2010 Order directing the parties to contact Judge Lloyd's chambers
3 and schedule a settlement conference.

4 **DESCRIPTION OF THE CASE**

5 Plaintiff's Complaint for violation of civil rights, false arrest and intentional infliction of
6 emotional distress was filed on August 27, 2007. Plaintiffs Matt and Kim Fredenburg are the
7 parents and guardian ad litem of their minor children, Plaintiffs A.F., M.F. and E.F. Plaintiffs'
8 Complaint set forth nine claims for relief arising out of an incident that occurred on August 9,
9 2006 when Kim Fredenburg left her home during the afternoon to run errands, including a
10 shopping trip to a Goodwill store in Milpitas, California. Kim brought her youngest child, A.F.,
11 who was seven months old at the time with her, and left her sons M.F., eight years old, and E.F.,
12 two years old alone in her home. Kim left A.F. in the car while she shopped at the Goodwill
13 store. The temperature outside that day was roughly 91 degrees Fahrenheit. Milpitas police
14 responded to a 911 call about a screaming child who was left inside an unattended car.
15 Defendant Milpitas Police Officer Peter Prolo responded to the scene, removed A.F. from the car
16 and took her to an air conditioned restaurant where she was seen by paramedics and taken to the
17 hospital. When Kim returned to her vehicle, Defendant Police Officer Yamamura spoke with her
18 and discovered that she was A.F.'s mother. Kim told police she had forgotten her daughter was
19 in the car, and that she had two other children at home who were being watched by a neighbor.
20 Kim was arrested and taken to the Milpitas Police Department where she informed police that
21 her boys were actually home alone. The Department of Family & Children Services was called
22 to the scene and Defendant Alicia Cortez eventually transported all three children to the
23 emergency shelter.

24 **STATUS**

25 The parties have arranged to appear before Judge Lloyd on February 17, 2010 for a
26 settlement conference. As the Court has stayed all proceedings, but for the parties' attendance at
27 the settlement conference, the parties respectfully request that the Court set a further status
28 conference for March of 2010. The parties will submit a Joint Statement ten days before this

1 status conference, outlining the procedural posture of the case and suggesting a trial schedule, if
2 appropriate.

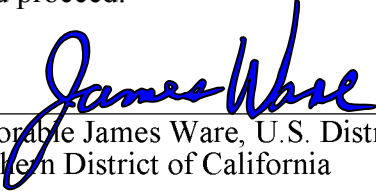
3 **CASE MANAGEMENT ORDER**

4 The Case Management Statement and Proposed Order is hereby adopted by the Court as
5 the Case Management Order for the case and the parties are ordered to comply with this Order.

6 A further Case Management Conference is set for **March 7, 2011 at 10:00 AM.**

7 A Joint Statement shall be filed on or before **February 28, 2011** updating the court on the
8 parties' settlement efforts and how this case should proceed.

9 Date: November 10, 2010


Honorable James Ware, U.S. District Court,
Northern District of California

11 Dated: October 14, 2010

12 /S/ Robert R. Powell
13 ROBERT R. POWELL, ESQ.
14 Attorney for Plaintiffs

15 Dated: October 14, 2010

16 /S/ David Rollo
17 DAVID ROLLO, ESQ.
18 Attorney for Defendants County of
19 Santa Clara, Sharon Burgan, Alicia
20 Cortez, Yazmina Letona

21 Dated: October 14, 2010

22 /S/ Tricia L. Hynes
23 TRICIA L. HYNES, ESQ.
24 Attorney for Defendants City of
25 Milpitas, Pete Prolo, Derek Yamamura

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