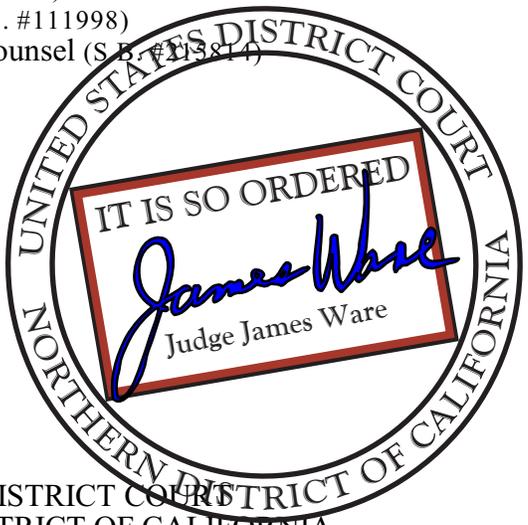


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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose)

MATT FREDENBURG et al.)
Plaintiffs,)
v.)
COUNTY OF SANTA CLARA et al.)
Defendants.)

No. C 07-4412 JW
**STIPULATION AND ORDER TO MODIFY
SCHEDULE**

The parties in the above-captioned action submit the following stipulation and order to modify the schedule in the above-referenced matter. Specifically, the parties request that the close of fact discovery be continued from July 13, 2009, to August 31, 2009, and that the Preliminary Pretrial Conference be moved from June 5, 2009, to August 31, 2009. The grounds for this request are as follows:

- On March 23, 2009, Plaintiffs served Supplemental Disclosures in which they disclosed 18 individuals who they contend were told by social workers with the County of Santa Clara Department of Family and Children’s Services (DFCS) that they would not regain custody of their children if they did not cease associations with their spouses or significant others. The Complaint in this action includes a civil-rights claim against the County pursuant to *Monell v. New York City Dept. of*

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Social Services, 436 U.S. 658, 689 (1978), in which Plaintiffs contend that the County has a practice or custom of threatening parents whose children are involved with dependency proceedings that if they do not cease all association with their spouses or significant others they will not regain custody of their children.

- On April 21, 2009, the County of Santa Clara filed with the Superior Court of California, County of Santa Clara, Juvenile Dependency Division, 16 petitions for disclosure of confidential juvenile records. The petitions sought disclosure of dependency records pertaining to the children of the 18 individuals disclosed in Plaintiffs’ Supplemental Disclosure.
- The Superior Court set the hearings on the petitions for June 4, 2009.
- The County has subpoenaed the individuals for depositions but will need additional time beyond the present July 13, 2009 fact discovery cutoff date to accommodate the schedules of counsel and the witnesses.
- Moreover, Plaintiffs’ motion for summary judgment as to their claims against the City of Milpitas and Officer Pete Prolo will be heard on June 8, 2009, three days after the present deadline of June 5, 2009, for the parties to submit their Preliminary Pretrial Conference Statements. The City of Milpitas Defendants’ motion for summary judgment is pending.
- A Settlement Conference is set with Magistrate Judge Seeborg on July 31, 2009.
- The parties have made good-faith efforts to move this case forward, and on May 11, 2009, the City of Milpitas and County of Santa Clara Defendants lodged with the Court and served on all parties their expert disclosure. The parties are not seeking to extend the time to complete expert discovery and agree to adhere to the expert discovery deadlines set forth in the Court’s December 10, 2008 Modified Scheduling Order.

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ORDER

The Court, having considered the stipulation of the parties and finding good cause, hereby orders the following:

- Close of all discovery August 31, 2009
- Preliminary Pretrial Conference **August 31, 2009 at 11 a.m.**
- Preliminary Pretrial Conference Statements August 21, 2009

The parties are to adhere to the expert discovery deadlines set forth in the Court's December 10, 2008 Modified Scheduling Order.

Dated: May 21, 2009


THE HONORABLE JAMES WARE
United States District Court Judge

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