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18 IN THE UNITED STATES DISTRICT COURT  
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 20 OAKLAND DIVISION

21 FAITH CENTER CHURCH  
 EVANGELISTIC MINISTRIES, et al.,

22 Plaintiffs,

23 v.

24 FEDERAL D. GLOVER, et al.,

25 Defendants.  
 26  
 27  
 28

CASE NO. C-04-3111 JSW

**JOINT STIPULATION TO FILE  
 AMENDED VERIFIED COMPLAINT**

1 Now come the parties, by and through counsel, and respectfully request in this joint  
2 stipulation an order from the Court allowing Plaintiffs to file an Amended Verified Complaint  
3 pursuant to Federal Rule of Civil Procedure 15 and Civil Local Rule 10-1. The purpose of the  
4 amendment is to (1) add the Certification of Interested Entities or Persons required by Civil L.R.  
5 3-16; and (2) focus the litigation by including in Verified Complaint ¶ 81 a reference to  
6 Defendants' current Policy for the Use of Meeting Rooms in Libraries as described in  
7 Defendants' Answer at ¶ 67 (Resolution No. 93/525), and attaching a true and correct copy of the  
8 current Policy as an additional exhibit.

9 The parties have further stipulated that the Defendants' Original Answer may serve as the  
10 responsive pleading to Amended Verified Complaint – as though it were filed in response to the  
11 Amended Verified Complaint – with the clarification that Defendants admit that Resolution No.  
12 93/525 is the current Policy. (*See* Amended Verified Complaint ¶ 81 & Ex. E.)

13 In the Ninth Circuit, “Rule 15 advises the court that leave shall be freely given when  
14 justice so requires. This policy is to be applied with extreme liberality.” *Eminence Capital, LLC*  
15 *v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (internal quotation marks omitted). In this  
16 case, no “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to  
17 cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by  
18 virtue of allowance of the amendment, futility of amendment, etc.,” exists to bar the stipulated  
19 request for amended of the Verified Complaint. *Id.*

20 As required by Civil L.R. 10-1, the entire Amended Verified Complaint with exhibits is  
21 filed concurrently with this Stipulation.

#### 22 **CERTIFICATE OF SERVICE**

23 The undersigned counsel for Plaintiffs certifies that true and correct copies of the  
24 foregoing document and the Amended Verified Complaint were served *via* federal express  
25 standard overnight delivery on

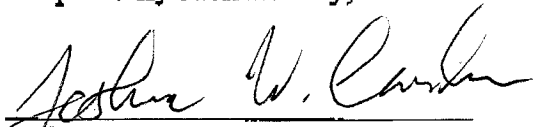
26 //

27 //

1 Kelly M. Flanagan  
2 Office of the Contra Costa County Counsel  
3 Administration Building  
4 651 Pine Street, 9th Floor  
5 Martinez, CA 94553-1229

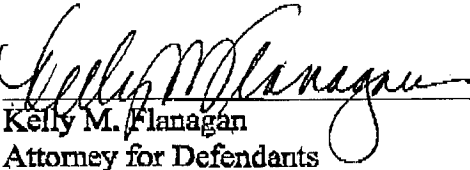
6 on the 6th day of October, 2004.

7 Respectfully submitted by,

8 

9 Joshua W. Carden  
10 Attorney for Plaintiffs

Date: 10/6/04

11 

12 Kelly M. Flanagan  
13 Attorney for Defendants

Date: 10/4/04

14 **PROPOSED ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16  
17  
18 \_\_\_\_\_  
19 The Honorable Jeffery S. White  
20 U.S. District Court Judge

Date: \_\_\_\_\_, 2004.