

1 MATTHEW D. ZINN (State Bar No. 214587)  
ANDREW P. MILLER (State Bar No. 324093)  
2 SHUTE, MIHALY & WEINBERGER LLP  
396 Hayes Street  
3 San Francisco, California 94102  
Telephone: (415) 552-7272  
4 Facsimile: (415) 552-5816  
zinn@smwlaw.com  
5 amiller@smwlaw.com

6 Attorneys for Defendants  
COUNTY OF ALAMEDA,  
7 GREGORY J. AHERN,  
and ERICA PAN  
8

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**  
11

12 JANICE ALTMAN et al.,  
13 Plaintiffs,  
14 v.  
15 COUNTY OF SANTA CLARA et al.,  
16 Defendants.

Case No. 4:20-cv-02180

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

The Hon. Jon S. Tigar

17  
18 Pursuant to United States District Court, Northern District of California  
19 Civil Rules of Court, Rules 6-2 and 16-2(d), Defendants County of Alameda,  
20 Gregory J. Ahern, and Erica Pan (“Defendants”) and Plaintiffs Janice Altman et al.,  
21 through counsel, hereby enter into the following Stipulation and request that the  
22 Court issue the attached order accordingly.

23 **STIPULATION**

24 WHEREAS, on November 30, 2020, this Court granted with leave to amend  
25 Defendants’ motion to dismiss Count 2 of Plaintiffs’ First Amended Complaint (due  
26 process); ordered that Plaintiffs could file a Second Amended Complaint within 21  
27 days of that order; and ordered that if Plaintiffs did not file an amended complaint,  
28 Plaintiffs’ due process claim would be dismissed with prejudice;

1 WHEREAS, the deadline for any Second Amended Complaint was December  
2 21, 2020;

3 WHEREAS, Plaintiffs did not file a Second Amended Complaint.

4 WHEREAS, following this Court's order on the motion to dismiss, Defendants  
5 retained new counsel;

6 WHEREAS, Defendants anticipated that Plaintiffs would file a Second  
7 Amended Complaint on or before December 21, 2020, and further anticipated that  
8 Defendants would move to dismiss that complaint;

9 WHEREAS, because Plaintiffs did not file a Second Amended Complaint,  
10 Defendants' answer is now due on Monday, January 4, 2021;

11 WHEREAS, although counsel have worked diligently to come up to speed on  
12 this litigation, they require additional time to prepare a comprehensive and concise  
13 answer that will aid the Court in resolving this case;

14 WHEREAS, the period in which Defendants need to prepare the answer is  
15 punctuated by several major holidays, including Christmas and New Year's Eve;

16 WHEREAS, the parties believe it would be appropriate to wait until after the  
17 pleadings are settled before proceeding with the Initial Case Management  
18 Conference and the preparation required for it;

19 NOW THEREFORE, the parties to this action, by and through their  
20 respective counsel, hereby stipulate and request that the Court issue an order as  
21 follows:

22 1. Defendant's Answer to the First Amended Complaint will be due on  
23 January 18, 2021.

24 2. The parties request that the Court continue the Initial Case  
25 Management Conference currently scheduled for Tuesday, January 12, 2021 by two  
26 weeks to January 26, 2021, or such time thereafter as is convenient for the Court.  
27  
28

1           3.     The parties will file and serve a Joint Case Management Statement one  
2 week before the new scheduled date for the Initial Case Management Conference or  
3 as otherwise ordered by the Court.

4           4.     This stipulation may be executed in counterparts and by email or  
5 facsimile.

6 DATED: December 28, 2020           SHUTE, MIHALY & WEINBERGER LLP

7  
8

9   By:               /s/Matthew D. Zinn            
10   MATTHEW D. ZINN  
  ANDREW P. MILLER

11   Attorneys for Defendants  
12   COUNTY OF ALAMEDA, GREGORY J.  
13   AHERN, AND ERICA PAN

14 DATED: December 28, 2020           SEILER EPSTEIN, LLP

15  
16

17   By:               /s/George M. Lee            
18   GEORGE M. LEE

19   Attorneys for Plaintiffs

20  
21

22           I hereby attest that I have on file all holographic signatures corresponding to  
23 any signatures indicated by a conformed signature (/S/) within this e-filed  
24 document.

25   /s/Matthew D. Zinn          


26  
27  
28

**~~PROPOSED~~ ORDER**

The above parties having stipulated, and good cause appearing, IT IS HEREBY ORDERED that time for Defendants to Answer the First Amended Complaint be extended to January 18, 2021. The Court further orders that the Initial Case Management Conference in this matter be continued to January 26, 2021 at 2:00 p.m.

The Plaintiffs and the County Defendants shall file a Joint Case Management Statement with the Court on or before January 19, 2021.

DATED: December 31, 2020

  
\_\_\_\_\_  
Hon. Jon S. Tigar  
United States District Judge