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COUNTY OF ALAMEDA,
7 GREGORY J. AHERN,
and NICHOLAS MOSS
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 Civil
19 Rules of Court, Rules 6-2 and 16-2(d), Defendants County of Alameda, Gregory J.
20 Ahern, and Nicholas Moss (“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, following this Court's order on the motion to dismiss, Defendants
2 retained new counsel;

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

6 WHEREAS, Plaintiffs did not file a Second Amended Complaint;

7 WHEREAS, on December 31, 2020, pursuant to a stipulation of the Parties,
8 this Court ordered that Defendants' answer shall be due on January 18, 2020, that
9 the Initial Case Management Conference shall be continued to January 26, 2020,
10 and that the Parties shall file a Joint Case Management Statement with the Court
11 on or before January 19, 2021;

12 WHEREAS, the County will be filing its answer by January 19, and although
13 it had contemplated filing a motion for judgment on the pleadings thereafter, the
14 County has since decided against filing a motion at this time;

15 WHEREAS, there is no dispositive motion pending that might obviate the need
16 for the Rule 26(f) conference, a discovery plan, and initial disclosures; and

17 WHEREAS, the parties require additional time to comply with those
18 requirements before a case management conference;

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

21 1. The parties request that the Court continue the Initial Case
22 Management Conference currently scheduled for Tuesday, January 26, 2021 by
23 three weeks to February 16, 2021, or such time thereafter as is convenient for the
24 Court.

25 2. The parties will file and serve a Joint Case Management Statement one
26 week before the new scheduled date for the Initial Case Management Conference or
27 as otherwise ordered by the Court.
28

1 3. The parties shall meet and confer as required by Federal Rules of Civil
2 Procedure, Rule 26(f) (“Rule 26(f) Conference”) no later than Tuesday, January 26,
3 2021.

4 4. The parties shall make the initial disclosures required by Federal Rules
5 of Civil Procedure, Rule 26(a)(1) no later than Tuesday, February 9, 2021.

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

8 DATED: January 19, 2021 SHUTE, MIHALY & WEINBERGER LLP

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11 By: /s/Matthew D. Zinn
12 MATTHEW D. ZINN
13 ANDREW P. MILLER

14 Attorneys for Defendants
15 COUNTY OF ALAMEDA, GREGORY J.
16 AHERN, AND NICHOLAS MOSS

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19 DATED: January 19, 2021 SEILER EPSTEIN, LLP

20 By: /s/George M. Lee
21 GEORGE M. LEE

22 Attorneys for Plaintiffs

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

26 /s/Matthew D. Zinn

[PROPOSED] ORDER

The above parties having stipulated, and good cause appearing, IT IS HEREBY ORDERED that the Initial Case Management Conference in this matter be continued to _____, 2021 at _____.

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

The Plaintiffs and the County Defendants shall meet and confer pursuant to Federal Rules of Civil Procedure, Rule 26(f) on or before _____, 2021.

The Plaintiffs and the County Defendants shall make the initial disclosures required by Federal Rules of Civil Procedure, Rule 26(a)(1) on or before _____, 2021.

DATED: _____, 2021

Hon. Jon S. Tigar
United States District Judge

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