

Donald E.J. Kilmer, Jr. (SBN: 179986)  
Jason A. Davis (SBN: 224250)  
1645 Willow Street, Suite 150  
San Jose, California 95125-5120  
Voice: (408) 264-8489  
Fax: (408) 264-8487

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK AARON HAYNIE, BRENDAN  
JOHN RICHARDS, THE CALGUNS  
FOUNDATION, INC., and THE  
SECOND AMENDMENT  
FOUNDATION, INC.,

Plaintiffs,

vs.

KAMALA HARRIS, Attorney General  
of California (in her official capacity)  
and CALIFORNIA DEPARTMENT  
OF JUSTICE, CITY OF ROHNERT  
PARK, OFFICER DEAN BECKER  
(RP134), and DOES 1 TO 20,  
Defendants.

BRENDAN JOHN RICHARDS, THE  
CALGUNS FOUNDATION, INC.,  
and THE SECOND AMENDMENT  
FOUNDATION, INC.,

Plaintiffs,

vs.

KAMALA HARRIS, Attorney General  
of California (in her official capacity)  
and CALIFORNIA DEPARTMENT  
OF JUSTICE, SONOMA COUNTY  
SHERIFFS' OFFICE, SHERIFFS'  
DEPUTY GREG MYERS (SD1023)  
and DOES 1 TO 20,  
Defendants.

Case Nos.: 3:10-CV-01255 SI  
3:11-CV-02493 SI  
(Consolidated Cases)

**STIPULATION and JOINT  
ADMINISTRATIVE MOTION  
Re: CASE MANAGEMENT ORDER**

Case No.: 3:11-CV-05580 SI  
(Related Case)

**STIPULATION and JOINT  
ADMINISTRATIVE MOTION  
Re: CASE MANAGEMENT ORDER**

IT IS HEREBY STIPULATED<sup>1</sup> by and between the undersigned parties<sup>2</sup> through their respective attorneys of record that based on the following set of facts, this Court should reschedule the Case Management Conference current set for January 13, 2012 and make other case management orders:

1. Plaintiffs have put all current defendants on notice that based on a fourth (4<sup>th</sup>) false arrest under the California Assault Weapon statutes – out of Sonoma County (Cotati Police Department) – it is highly will likely that a fourth (4<sup>th</sup>) complaint will be filed in this district and likely related to the current three cases. Plaintiffs anticipate filing this latest action before the end of January 2012.
2. There is a pending Case Management Conference in the consolidated cases of *Haynie v. Harris* and *Richards v. Harris* set for January 13, 2012. (Case Nos: 3:10-CV-01255 SI and 3:11-CV-02493 SI.)
3. Defendants Rohnert Park and Officer Becker have filed a motion to dismiss (Dkt # 22) in the second *Richards v. Harris* Case No.: 3:11-CV-02493 SI. The motion is currently set for argument on February 24, 2012.
4. On December 29, 2011, a Clerk's Notice was entered on the Docket (#12) for the second *Richards v. Harris* Case (3:11-CV-05580 SI) setting an initial Case Management Conference in that case for March 30, 2012 at 2:30 p.m.

---

<sup>1</sup> *Haynie v. Harris*, Case No.: 3:10-CV-01255 SI was ordered consolidated with *Richards v. Harris*, Case No.: 3:11-CV-02493 SI, in an ordered filed on October 22, 2011. (See Documents # 42 and #15 respectively. The second *Richards v. Harris*, Case No.: 3:11-CV-05580 was ordered to be related with their first two cases in an order filed on December 21, 2011. (See documents #47 and # 20 respectively.)

<sup>2</sup> Attorney Anne Keck for the Sonoma County defendants (in 3:11-CV-05580) made an appearance on or about December 22, 2011. Attorney for Plaintiffs Donald Kilmer spoke with Attorney Keck on that day. She indicated that she would be out of her office on mandatory time off until January 6, 2012. She indicated that she would not be able to meaningfully participate in the Case Management Conference currently set for January 13, 2012, though she did indicate that she could attend the conference if it went forward.

- 1 5. Given the recent addition of the Sonoma County Defendants as parties, and  
2 the likely addition of the Cotati Police Department & City of Cotati, the  
3 looming Case Management Conference and the Rohnert Park Defendant's  
4 pending motion, the undersigned parties believe that it would in the best  
5 interests of the parties and that it would facilitate judicial economy to  
6 reschedule the Jan. 13, 2012 and combine it with the March 30, 2012 Case  
7 Management Conference.
- 8 6. The undersigned parties also agree that a coordinated briefing schedule on  
9 various motions to dismiss that are anticipated will also facilitate judicial  
10 economy and conserve the parties' resources.
- 11 7. To that end the parties agree that the Court should reschedule the Case  
12 Management Conference in this matter, currently set for January 13, 2012 at  
13 3:00 p.m. to Friday, March 30, 2012 at 2:30 p.m. (This will give Plaintiffs  
14 enough time to serve the Cotati Defendants and have them meaningfully  
15 participate in the Case Management Conference.)
- 16 8. Furthermore the parties agree that the deadline for all responsive pleadings  
17 (answers, Rule 12 motions, etc.) for current defendants are extended to  
18 March 16, 2012 (to allow the Cotati Defendants a chance to join any motions  
19 filed by the current Defendants.)
- 20 9. Furthermore, the Rohnert Park Defendants' Motion to Dismiss currently set  
21 for February 24, 2012 is reset to April 20, 2012 for the purpose of  
22 coordinating their motions (if any) with the Sonoma and (the potential)  
23 Cotati Defendants; and that due dates for oppositions and replies will be tied  
24 to the hearing date instead of the date of filing of any moving papers. (i.e.,  
25 opposition memorandums will be due three (3) weeks before the hearing and  
26 reply memorandums will be due two (2) weeks before the hearing.)

27 ////

28 ////

1 SO STIPULATED.

2 Date: December 30, 2011

Date: December 30, 2011

3 /s/  
4 Ross Moody,  
Counsel for Defendants  
Harris & California Dept. of Justice

/s/  
Donald Kilmer  
Counsel for Plaintiffs

6 Date: December 30, 2011

7 /s/  
8 Robert W. Henkels  
County for Defendants  
City of Rohnert Park & Becker

10 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND  
LOCAL RULE VIII.B.**

11 I, Donald Kilmer, declare under penalty of perjury under the laws of California  
12 and the United States that I have in my possession e-mail correspondence from  
Ross Moody and Robert Henkels that the content of this document is acceptable to  
13 all persons required to sign the document. I declare that this document was signed  
in San Jose, CA on December 30, 2011.

14 /s/  
Donald Kilmer, Attorney for Plaintiffs

17 **FINDINGS AND ORDER**

18 Pursuant to the stipulation of the parties this Court makes the follow orders:

- 19 1. Plaintiffs shall diligently work to file their fourth action with similar claims  
20 at the earliest feasible date, but in no case later than January 30, 2012 or  
21 they risk not having this fourth case related to the current actions.
- 22 2. The Case Management Conference currently set for January 13, 2012 is  
23 vacated and reset for March 30, 2012 at 2:30 p.m., in Courtroom 10, 19<sup>th</sup>  
24 Floor, San Francisco before the Honorable Susan Illston.
- 25 3. The parties are directed to file a Joint Case Management Conference  
26 Statement 10 days before the conference. Participation in the conference is  
27 mandatory for all served parties, but participation in the preparation of the  
28

1 Joint Case Management Conference Statement is optional for parties served  
2 and/or appearing after January 23, 2012.

3 4. The motion to dismiss filed by the Rohnert Park defendants, currently set for  
4 February 24, 2012, is reset to April 20, 2011 at 9:00 a.m. in Courtroom 10,  
5 19<sup>th</sup> Floor, San Francisco before the Honorable Susan Illston.

6 5. Any cross-motions shall be filed in accordance with the local rules.

7 6. For this set of motions to be heard on April 20, 2012, any opposition  
8 memorandums and/or supporting documents shall be filed on or before March  
9 30, 2012 and any reply memorandums shall be filed on or before April 6,  
10 2012.

11 7. The plaintiffs are ordered to serve this Case Management Order with any  
12 complaint and summons that is served on any potential defendants who are  
13 not parties as of the date of this Order.

14 Date: 1/4/12



15  
16 United States District Judge