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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE FOR IMMIGRANT RIGHTS OF
SONOMA COUNTY, et al.,

Plaintiffs,
v.

COUNTY OF SONOMA, et al.,
Defendants.

CASE NO. CV 08-04220-RS

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

The Hon. Richard Seeborg

Date: Thursday, June 9, 2011
Time: 10:00 AM
Place: Courtroom 3, 17th Floor

Pursuant to Civil Local Rule 16-10(d), the parties submit this Joint Supplemental Case Management Statement for the purpose of updating the information provided in their Joint Case Management Statement filed on April 2, 2010 (Dkt. No. 176), their Joint Supplemental Case Management Statement filed on July 2, 2010 (Dkt. No. 202), and their Joint Supplemental Case Management Statement filed on October 14, 2010 (Dkt. No. 224). No pre-trial or trial dates are currently set in this case.

I. Description of Subsequent Case Developments

Settlement Conference and Negotiations

On December 14, 2010, the parties participated in a mandatory settlement conference before then-Magistrate Judge Edward M. Chen. During that conference, the parties made progress toward settlement and agreed to stay the litigation until February 10, 2011 in order to continue negotiations.

The parties participated in another mandatory settlement conference on March 4, 2011 before Judge Chen. During that conference and shortly thereafter, the individual plaintiffs and the Federal Defendants finalized a settlement agreement. No other claims were settled among any parties, but the parties again agreed to extend the litigation stay to pursue additional settlement negotiations. On May 25, 2011, all plaintiffs reached a global settlement agreement in principle with the County Defendants and on June 1, 2011, Plaintiff CIRSC ratified the agreement in principle. On March 30, 2011, Plaintiff CIRSC sent Federal Defendants a proposal for settlement, which Federal Defendants rejected on May 27, 2011.

ICE Policy Change

On August 11, 2010, the Federal Defendants sent ICE's new interim detainer policy, effective that same date, to the Plaintiffs. Federal Defendants provided a revised interim detainer policy on August 17, effective from August 2, 2010 to the conclusion of the public notice and comment period on September 30, 2010. Federal Defendants believe that this interim policy moots a number of Plaintiffs' injunctive relief claims. Plaintiffs disagree that the interim policy moots any claims. Furthermore, Plaintiffs recently obtained information that leads them to believe that ICE is not presently complying with this policy in Sonoma County.

Pending Motions at the time of the Litigation Stay

All motion dates scheduled in this case were vacated in connection with the litigation stay. At this juncture, no dates have been added back to the calendar. On November 12, 2010, Judge Larson denied Plaintiffs' Motion for a Global Protective Order Re: Use of Identifying Information Outside of Litigation (Dkt. No. 232). On December 2, 2010, plaintiffs filed Objections to November 12, 2010 Order Denying Motion for Global Protective Order Re: Use of Identifying Information Outside of Litigation (Dkt. No. 237) (the "Protective Order Appeal"). This motion was pending at the time of the litigation stay.

Also pending at the time of the litigation stay was the County Defendants' Motion for Judgment on the Pleadings, filed November 10, 2010 (Dkt. No. 229). County Defendants will seek to place this motion back on the calendar if County Defendants and Plaintiffs efforts to finalize their global settlement are unsuccessful.

II. Meet and Confer Update

On June 2, 2011, Plaintiffs and Federal Defendants met and conferred via conference call to discuss Plaintiff CIRSC's remaining claims against the Federal Defendants, discovery issues and case scheduling issues.

Parameters of the Complaint

The Plaintiffs and Federal Defendants have reached a final settlement regarding the claims of Francisco Sanchez-Lopez and Christian Sonato-Vega. The Plaintiffs and County Defendants have reached an agreement in principle for global settlement of all claims against the County and are working to finalize that agreement. Once that agreement has been finalized, the only remaining claims will be the claims of Plaintiff CIRSC against the Federal Defendants (portions of the claims contained in claims 4, 5, 6, 8, and 9 from the Second Amended Complaint (Dkt. No. 135)).

Discovery Update

Discovery has been stayed since the December 12, 2010 Settlement Conference. All parties have agreed, on multiple occasions, to extend the litigation stay in order to facilitate the parties' settlement discussions. The most recent litigation stay was agreed to on March 9, 2011

and formally expired on April 15, 2011. Since that date, the parties have informally agreed to extend the litigation stay while settlement negotiations continued.

Privacy Act Material

Plaintiffs entered into a stipulated agreement with the Federal Defendants regarding responsive materials protected by the Privacy Act. Plaintiffs and Federal Defendants are actively revisiting the production of responsive materials initially protected by the Privacy Act.

Depositions

Federal Defendants and Plaintiffs agree that the Protective Order Appeal should be resolved prior to proceeding with depositions and respectfully request that the Court put the Protective Order Appeal back on calendar. Accordingly, the Federal Defendants and Plaintiffs propose to refrain from noticing depositions prior to September 2011.

III. Scheduling

An overall case schedule has not yet been entered into in this case. As such, the Federal Defendants and Plaintiffs propose the following schedule:

- *Close of fact discovery*: 180 days after the Case Management Conference scheduled for June 9, 2011
- *Opening expert reports*: 30 days after close of fact discovery
- *Rebuttal expert reports*: 45 days after close of fact discovery
- *Conclusion of expert depositions*: 75 days after close of fact discovery
- *Expert discovery closes*: 75 days after close of fact discovery
- *Dispositive motions due*: 30 days after close of expert discovery
- *Response to dispositive motions due*: 45 days after close of expert discovery
- *Pretrial Conference*: At Court's discretion
- *Trial*: 30 days from hearings on dispositive motions

1 Dated: June 2, 2011

Respectfully submitted,

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3 Alfred C. Pfeiffer
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By /s/ Robert Studley
Robert Studley

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15 Attorneys for Plaintiffs

16 Dated: June 2, 2011

Respectfully submitted,

17 Stephen M. Woodside, County Counsel

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24 ERIC SALKIN

25 Dated: June 2, 2011

Respectfully submitted,

26 MELINDA HAAG
27 United States Attorney

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1 Dated: June 2, 2011

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ELECTRONIC CASE FILING ATTESTATION
(General Order No. 45(X)(B))

I, Alfred C. Pfeiffer, Jr., am the ECF User whose identification and password are being used to file this JOINT CASE MANAGEMENT STATEMENT. In compliance with General Order No. 45 (X)(B), I hereby attest that the concurrence in the filing of this document has been obtained from its signatories.

Dated: June 2, 2011

Respectfully submitted,

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