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By Superior Court of California, County of San Mateo
ON 09/26/2023
By /s/ Ladcani, Hessen
Deputy Clerk

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Attorneys for COUNTY OF SAN MATEO and CHRISTINA CORPUS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

A.B.O COMIX, KENNETH ROBERTS, ZACHARY GREENBERG, RUBEN GONZALEZ-MAGALLANES, DOMINGO AGUILAR, KEVIN PRASAD, MALTI PRASAD, and WUMI OLADIPO,

Plaintiffs,

v.

COUNTY OF SAN MATEO and CHRISTINA CORPUS, in her official capacity as Sheriff of San Mateo County,

Defendants.

Case No. 23-CIV-01075

Assigned for All Purposes to:
Hon. Raymond Swope, Dept. 23

RS

JOINT STIPULATION AND [~~PROPOSED~~] ORDER MODIFYING CASE SCHEDULE

Action Filed: March 9, 2023
Trial Date: None Set

Plaintiffs A.B.O Comix, Kenneth Roberts, Zachary Greenberg, Ruben Gonzalez-Magallanes, Domingo Aguilar, Kevin Prasad, Malti Prasad, and Wumi Oladipo ("Plaintiffs") and Defendants County of San Mateo and Christina Corpus, in her official capacity as Sheriff of San Mateo County ("Defendants") hereby stipulate to the following:

WHEREAS, on March 9, 2023, Plaintiffs initiated the above-captioned action (the "Action") by filing a complaint (hereinafter "Original Complaint") in this Court;

WHEREAS, on March 30, 2023, Defendants accepted service of process;

WHEREAS, on April 17, 2023, Defendants removed the case to the U.S. District Court for the Northern District of California on the basis of federal question jurisdiction;

WHEREAS, on May 24, 2023, Plaintiffs filed an Amended Complaint ("AC") in the U.S. District Court for the Northern District of California, which omitted their previously asserted federal-law claims and stated only state-law claims;

WHEREAS, on May 24, 2023, Plaintiffs filed a Motion to Remand the Action;

WHEREAS, on June 23, 2023, Defendants filed an Answer and Counterclaims for Declaratory Relief in the U.S. District Court for the Northern District of California;

WHEREAS, on June 23, 2023, Defendants filed a Motion for Judgment on the Pleadings seeking dismissal of all claims for relief asserted by Plaintiffs in their AC;

WHEREAS, on July 20, 2023, the U.S. District Court for the Northern District of California issued an order remanding the Action to this Court;

WHEREAS, on July 27, 2023, this Court received the Action on remand from the U.S. District Court for the Northern District of California;

WHEREAS, on August 24, 2023, Defendants filed an Answer in this Court because, while California courts usually "give effect to pleadings filed in federal court before remand" (*Laguna Village, Inc. v. Laborers' Int'l Union of N. Am.* (1983) 35 Cal.3d 174, 180), Code of Civil Procedure § 430.90(a)(2)(A) states that a defendant must file an answer in the state court if it has not "filed an answer in the original court";

WHEREAS, Defendants did not refile their Counterclaims, which became a Cross-Complaint upon remand to this Court, because California courts usually "give effect to pleadings filed in federal court before remand" (*Laguna Village, Inc.*, 35 Cal.3d at 180);

WHEREAS, Defendants intend to file a Motion for Judgment on the Pleadings seeking dismissal of all of Plaintiffs' claims for relief;

WHEREAS, the Motion for Judgment on the Pleadings will raise substantially the same legal arguments raised in Defendants' federal Motion for Judgment on the Pleadings, and the Parties agree that it is therefore unnecessary to meet and confer any further regarding the Motion.

NOW, THEREFORE, PLAINTIFFS AND DEFENDANTS HEREBY AGREE AND STIPULATE to the following schedule for briefing regarding Defendants' Motion for Judgment on the Pleadings and for filing Plaintiffs' Answer to Defendants' Cross-Complaint:

1. Defendants shall file their Motion for Judgment on the Pleadings on or before Friday, September 8, 2023;

2. Plaintiffs shall file their Opposition to Defendants' Motion for Judgment on the Pleadings on or before Friday, September 29, 2023;

3. Plaintiffs shall file their Answer to Defendants' Cross-Complaint on or before Friday, October 6, 2023;

4. Defendants shall file their Reply in Support of their Motion for Judgment on the Pleadings on or before Friday, October 13, 2023;

5. The Parties further agree that it is unnecessary to meet and confer any further regarding the Motion for Judgment on the Pleadings because the Motion raises substantially the same arguments as those raised in the Motion for Judgment on the Pleadings Defendants filed in federal court.

IT IS SO STIPULATED.

DATED: September 6, 2023

Respectfully submitted,

By: _____

CHAD E. DEVEAUX
Attorneys for Defendants
COUNTY OF SAN MATEO and
CHRISTINA CORPUS

DATED: September 6, 2023

Respectfully submitted,

By: _____

CARA GAGLIANO
Attorneys for Plaintiffs
A.B.O COMIX, KENNETH ROBERTS, ZACHARY GREENBERG, RUBEN GONZALEZ-MAGALLANES, DOMINGO AGUILAR, KEVIN PRASAD, MALTI PRASAD, and WUMI OLADIPO

[~~PROPOSED~~] ORDER

PURSUANT TO THE STIPULATION OF PLAINTIFFS AND DEFENDANTS, IT IS SO ORDERED that the following schedule shall be adopted for briefing regarding Defendants' Motion for Judgment on the Pleadings and for filing Plaintiffs' Answer to Defendants' Cross-Complaint:

- Defendants shall file their Motion for Judgment on the Pleadings on or before Friday, September 8, 2023;
- Plaintiffs shall file their Opposition to Defendants' Motion for Judgment on the Pleadings on or before Friday, September 29, 2023;
- Plaintiffs shall file their Answer to Defendants' Cross-Complaint on or before Friday, October 6, 2023;
- Defendants shall file their Reply in Support of their Motion for Judgment on the Pleadings on or before Friday, October 13, 2023.

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SIGNED

Dated: 09/25/2023

By **/s/ Swope, Raymond**

HONORABLE RAYMOND SWOPE
JUDGE OF THE SUPERIOR COURT