

ADRMOP,PROTO,REFSET-LB,RELATE

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:18-cv-07814-JD**

Upshaw et al v. Alameda County et al
Assigned to: Judge James Donato
Referred to: Magistrate Judge Laurel Beeler (Settlement)
Demand: \$100,000
Relate Case Case: 3:18-cv-00050-JD
Cause: 28:1331 Fed. Question: Violation 5th & 8th Amendment

Date Filed: 12/31/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Tikisha Upshaw

represented by **Yolanda Huang**
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Plaintiff

Tyreka Stewart
*on behalf of themselves and others
similarly situated*

represented by **Yolanda Huang**
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Plaintiff

Andrea Hernandez
*on behalf of themselves and others
similarly situated*

represented by **Yolanda Huang**
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V.

Defendant

Alameda County

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Defendant

Sheriff Gregory J. Ahern

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Michael Augusto Slater
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Temitayo O. Peters
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Defendant

D. Houghtelling
Assistant Sheriff

represented by **Gregory B. Thomas**
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Temitayo O. Peters
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Defendant

Commander Tom Madigan

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Temitayo O. Peters
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ATTORNEY TO BE NOTICED

Defendant

Captain D. Hesselein

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Temitayo O. Peters
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Defendant

Captain Tara Russell

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Defendant

Captain D. Skoldkvist
TERMINATED: 08/19/2019

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Defendant

Deputy Watson

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Defendant

Deputy Stinson

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Defendant

Deputy Sensiba

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Defendant

Deputy Henderson

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Defendant

Deputy Guerra

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Defendant

Deputy Crandall

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Defendant

Deputy Chandra

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Defendant

Deputy Burbank

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Defendant

Alameda County Sheriff's Office

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Michael Augusto Slater
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Interested Party

Wellpath, Inc.

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Date Filed	#	Docket Text
12/31/2018	<u>1</u>	CLASS ACTION COMPLAINT for Violation of Civil and Constitutional Rights; Demand for Jury Trial against All Defendants (Filing fee \$ 400.00, receipt number

		0971-12962599.). Filed by Tikisha Upshaw, Tyreka Stewart. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Propose) (Huang, Yolanda) (Filed on 12/31/2018) Modified on 1/3/2019 (gbaS, COURT STAFF). (Entered: 12/31/2018)
12/31/2018	<u>2</u>	Application for Refund, Receipt Number 0971-12962599 for Duplicate Charge by Tikisha Upshaw. (Huang, Yolanda) (Filed on 12/31/2018) Modified on 1/3/2019 (gbaS, COURT STAFF). (Entered: 12/31/2018)
12/31/2018	<u>3</u>	MOTION to Relate Case to Mohrbacher v. Alameda County Sheriff's Office, 13:18-cv-50-JD filed by Tikisha Upshaw. (Huang, Yolanda) (Filed on 12/31/2018) Modified on 1/3/2019 (gbaS, COURT STAFF). (Entered: 12/31/2018)
12/31/2018	4	<p>Case assigned to Magistrate Judge Joseph C. Spero.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 1/14/2019. (bwS, COURT STAFF) (Filed on 12/31/2018) (Entered: 12/31/2018)</p>
01/02/2019	<u>5</u>	Proposed Summons. (Huang, Yolanda) (Filed on 1/2/2019) (Entered: 01/02/2019)
01/03/2019	<u>6</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 4/5/2019. Initial Case Management Conference set for 4/12/2019 02:00 PM in San Francisco, Courtroom G, 15th Floor. (gbaS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019	<u>7</u>	Summons Issued as to Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (gbaS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/04/2019	<u>8</u>	Refund Status re <u>2</u> Application for Refund DECLINED. (rghS, COURT STAFF) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/04/2019	<u>9</u>	AFFIDAVIT of Service for Notice of Related Case served on ALAMEDA COUNTY; ALAMEDA COUNTY SHERIFFS OFFICE; SHERIFF GREGORY J. AHERN; ASSISTANT SHERIFF D. HOUGHTELLING, COMMANDER TOM MADIGAN; CAPTAIN D. HESSELEIN, CAPTAIN TARA RUSSELL, CAPTAIN D. SKOLDKVIST, DEPUTY STINSON, DEPUTY SENSIBA, DEPUTY SARTIN, DEPUTY KRANTAVILLE, DEPUTY HENDERSON, DEPUTY GUERRA, DEPUTY CRANDALL, DEPUTY CHANDRA on January 4, 2019, filed by Tikisha Upshaw. (Huang, Yolanda) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/07/2019	<u>10</u>	Application for Refund re <u>1</u> Complaint,, Receipt Number 26EEC8Q7 <i>Duplicate Charge for Filing Fee</i> by Tikisha Upshaw. (Huang, Yolanda) (Filed on 1/7/2019) (Entered: 01/07/2019)
01/09/2019	<u>11</u>	Refund Status re <u>10</u> Application for Refund APPROVED. (rghS, COURT STAFF) (Filed on 1/9/2019) (Entered: 01/09/2019)
01/09/2019	<u>12</u>	ORDER RELATING CASE. Signed by Judge James Donato on 1/9/19. (mlIS, COURT STAFF) (Filed on 1/9/2019) (Entered: 01/09/2019)
01/23/2019	<u>13</u>	Case reassigned to Judge James Donato. Magistrate Judge Joseph C. Spero no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras (srnS, COURT STAFF) (Filed on 1/23/2019) (Entered: 01/23/2019)

01/29/2019	<u>14</u>	First Ex Parte Application <i>For Temporary Restraining Order to Stop Alameda County Sheriff's Office from Depriving and Disturbing Women Prisoner's Sleep</i> filed by Tyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Memo of Points & Authorities, # <u>2</u> Declaration Dr. Jesse Ghannam, # <u>3</u> Declaration Dr. Zeitzer, # <u>4</u> Declaration Tikisha Upshaw, # <u>5</u> Declaration Tyreka Stewart, # <u>6</u> Declaration Crystal Emond, # <u>7</u> Declaration Sindel Botelho, # <u>8</u> Declaration J. Tony Serra, # <u>9</u> Declaration Y. Huang)(Huang, Yolanda) (Filed on 1/29/2019) (Entered: 01/29/2019)
01/29/2019	<u>15</u>	Declaration in Support of <u>14</u> First Ex Parte Application <i>For Temporary Restraining Order to Stop Alameda County Sheriff's Office from Depriving and Disturbing Women Prisoner's Sleep Format Corrected- J. Zeitzer Declaration</i> filed by Andrea Hernandez, Tyreka Stewart. (Related document(s) <u>14</u>) (Huang, Yolanda) (Filed on 1/29/2019) (Entered: 01/29/2019)
01/30/2019	<u>16</u>	AFFIDAVIT of Service for Application for TRO, Memorandum of P&A and all Supporting Declarations served on defendant Alameda County, Alameda County Sheriff's Office, Gregory Thomas on 01.29-30.2019, filed by Tyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Declaration of Courtesy Copy to Defendants' Counsel)(Huang, Yolanda) (Filed on 1/30/2019) (Entered: 01/30/2019)
01/30/2019	<u>17</u>	ADMINISTRATIVE MOTION DEFENDANT COUNTY OF ALAMEDAS ADMINISTRATIVE MOTION REQUESTING TIME TO FILE WRITTEN OPPOSITION TO PLANITIFFS EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER re <u>15</u> Declaration in Support, <u>16</u> Affidavit of Service, <u>14</u> First Ex Parte Application <i>For Temporary Restraining Order to Stop Alameda County Sheriff's Office from Depriving and Disturbing Women Prisoner's Sleep</i> filed by Alameda County. Responses due by 2/4/2019. (Attachments: # <u>1</u> Declaration OF GREGORY B. THOMAS IN SUPPORT OF DEFENDANT COUNTY OF ALAMEDAS ADMINISTRATIVE MOTION REQUESTING TIME TO FILE WRITTEN OPPOSITION TO PLANITIFFS EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER)(Thomas, Gregory) (Filed on 1/30/2019) (Entered: 01/30/2019)
01/31/2019	18	Order re <u>14</u> Ex Parte Application entered by Judge James Donato. The Court declines to consider an ex parte TRO in the circumstances of this case. Ex parte TRO applications are disfavored, particularly when, as here, notice can be readily provided to a known opposing party, and the requested relief appears to go beyond preserving the status quo. <i>Granny Goose Foods, Inc., v. Teamsters</i>, 415 U.S. 423, 438-39 (1974); <i>Reno Air Racing Assn, Inc., v. McCord</i>, 452 F.3d 1126, 1131 (9th Cir. 2006). The parties are directed to agree on a briefing and hearing schedule, and are urged to consider going directly to a preliminary injunction motion rather than a short-term TRO and then an injunction motion. The proposed schedule should be filed by February 5, 2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 01/31/2019)
02/04/2019	<u>19</u>	First MOTION for Preliminary Injunction filed by Tyreka Stewart, Tikisha Upshaw. Motion Hearing set for 2/21/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Responses due by 2/13/2019. Replies due by 2/18/2019. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Declaration Dr. Jesse Ghannam, # <u>3</u> Declaration Dr. J. Zeitzer, # <u>4</u> Declaration Tikisha Upshaw, # <u>5</u> Declaration Tyreka Stewart, # <u>6</u> Declaration Sindel Botelho, # <u>7</u> Declaration Crystal Emond, # <u>8</u> Declaration J. Tony Serra)(Huang, Yolanda) (Filed on 2/4/2019) (Entered: 02/04/2019)
02/04/2019	<u>20</u>	STIPULATION WITH PROPOSED ORDER re <u>19</u> First MOTION for Preliminary Injunction <i>Briefing and Hearing Schedule</i> filed by Tyreka Stewart, Tikisha Upshaw. (Huang, Yolanda) (Filed on 2/4/2019) (Entered: 02/04/2019)
02/06/2019	21	ORDER. Defendants' deadline to file an opposition to the preliminary injunction motion is February 13, 2019, and plaintiffs' deadline to file a reply is February 18, 2019. The preliminary injunction hearing is set for February 28, 2019, at 10:00 a.m. Signed by Judge James Donato on 2/6/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jd1c3S, COURT STAFF) (Filed on 2/6/2019) (Entered: 02/06/2019)

02/06/2019		Set/Reset Deadlines as to <u>19</u> First MOTION for Preliminary Injunction . Motion Hearing set for 2/28/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. (lrcS, COURT STAFF) (Filed on 2/6/2019) (Entered: 02/11/2019)
02/13/2019	<u>22</u>	STIPULATION WITH PROPOSED ORDER re <u>19</u> First MOTION for Preliminary Injunction <i>IN CONNECTION WITH THE COUNTY OF ALAMEDA'S OPPOSITION TO PLFS. MOTION FOR PRELIMINARY INJUNCTION</i> filed by Alameda County. (Thomas, Gregory) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/13/2019	<u>23</u>	ADMINISTRATIVE MOTION GRANTING CO. OF ALAMEDA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL IN CONNECTION WITH OPP.TO PLFS. MOTION FOR PRELIMINARY INJUNCTION re <u>19</u> First MOTION for Preliminary Injunction , <u>22</u> STIPULATION WITH PROPOSED ORDER re <u>19</u> First MOTION for Preliminary Injunction <i>IN CONNECTION WITH THE COUNTY OF ALAMEDA'S OPPOSITION TO PLFS. MOTION FOR PRELIMINARY INJUNCTION</i> filed by Alameda County. Responses due by 2/28/2019. (Attachments: # <u>1</u> Declaration OF GREGORY B. THOMAS ISO CO. OF ALAMEDA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL IN CONNECTION WITH OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>2</u> Proposed Order GRANTING CO. OF ALAMEDA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL, # <u>3</u> Certificate/Proof of Service OF CD CONTAINING UNREDACTED VERSION OF DOCUMENTS SOUGHT TO BE SEALED)(Thomas, Gregory) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/13/2019	<u>24</u>	OPPOSITION/RESPONSE (re <u>19</u> First MOTION for Preliminary Injunction , <u>23</u> ADMINISTRATIVE MOTION GRANTING CO. OF ALAMEDA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL IN CONNECTION WITH OPP.TO PLFS. MOTION FOR PRELIMINARY INJUNCTION re <u>19</u> First MOTION for Preliminary Injunction , <u>22</u> STIPULATION WITH PROPOSED, <u>22</u> STIPULATION WITH PROPOSED ORDER re <u>19</u> First MOTION for Preliminary Injunction <i>IN CONNECTION WITH THE COUNTY OF ALAMEDA'S OPPOSITION TO PLFS. MOTION FOR PRELIMINARY INJUNCTION</i>) filed byAlameda County. (Attachments: # <u>1</u> MANUAL FILING NOTIFICATION OF EXHIBITS A, B, C, E AND F ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>2</u> Declaration OF HEIDI BURBANK ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>3</u> Declaration OF GARRETT DAGNEAU ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>4</u> Declaration OF JEFF GOULD, M.D. ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>5</u> Declaration OF KORI GUERRA ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>6</u> Declaration OF ANGELIQUE HENDERSON ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>7</u> Declaration OF PATRICK KENNEDY ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>8</u> Declaration OF PHILLIP LAWRENCE ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>9</u> Declaration OF THOMAS MADIGAN ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION, # <u>10</u> Declaration OF TIMOTHY M. WESIG ISO CO. OF ALAMEDA'S OPP. TO PLFS. MOTION FOR PRELIMINARY INJUNCTION)(Thomas, Gregory) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/15/2019	<u>25</u>	OPPOSITION/RESPONSE (re <u>23</u> ADMINISTRATIVE MOTION GRANTING CO. OF ALAMEDA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL IN CONNECTION WITH OPP.TO PLFS. MOTION FOR PRELIMINARY INJUNCTION re <u>19</u> First MOTION for Preliminary Injunction , <u>22</u> STIPULATION WITH PROPOSED) filed byAndrea Hernandez, Tyreka Stewart. (Attachments: # <u>1</u> Declaration Yolanda Huang)(Huang, Yolanda) (Filed on 2/15/2019) (Entered: 02/15/2019)
02/18/2019	<u>26</u>	REPLY (re <u>19</u> First MOTION for Preliminary Injunction) filed byAndrea Hernandez, Tyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Declaration Marcaaysha Alexander, # <u>2</u> Declaration Alexis Wah, # <u>3</u> Declaration Dr. Jess Ghannam, # <u>4</u> Declaration Dr. Jess Marc Zeitzer, # <u>5</u> Declaration Yolanda Huang, # <u>6</u> Supplement Notice of Witness Availability)(Huang, Yolanda) (Filed on 2/18/2019) (Entered: 02/18/2019)

02/19/2019	<u>27</u>	Proposed Order re <u>19</u> First MOTION for Preliminary Injunction by Andrea Hernandez, Tyreka Stewart. (Huang, Yolanda) (Filed on 2/19/2019) (Entered: 02/19/2019)
02/21/2019	<u>28</u>	MOTION to Dismiss <i>COMPLAINT</i> filed by Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. Motion Hearing set for 4/11/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Responses due by 3/7/2019. Replies due by 3/14/2019. (Attachments: # <u>1</u> Proposed Order GRANTING DEFENDANTS MOTION TO DISMISS COMPLAINT)(Thomas, Gregory) (Filed on 2/21/2019) (Entered: 02/21/2019)
02/28/2019	<u>29</u>	Minute Entry for proceedings held before Judge James Donato: Motion for Preliminary Injunction Hearing held on 2/28/2019. (jdlc3S, COURT STAFF) (Date Filed: 2/28/2019) (Entered: 03/01/2019)
03/06/2019	<u>30</u>	OPPOSITION/RESPONSE (re <u>28</u> MOTION to Dismiss <i>COMPLAINT</i>) filed byTyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Declaration of Yolanda Huang)(Huang, Yolanda) (Filed on 3/6/2019) (Entered: 03/06/2019)
03/13/2019	<u>31</u>	REPLY (re <u>28</u> MOTION to Dismiss <i>COMPLAINT</i>) <i>DEFENDANTS REPLY TO OPPOSITION TO MOTION TO DISMISS COMPLAINT</i> filed byGregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Thomas, Gregory) (Filed on 3/13/2019) (Entered: 03/13/2019)
03/14/2019	<u>32</u>	Statement <i>Proposal to Terminate Mediation and for Consolidation, Set CMC</i> by Andrea Hernandez, Tyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Proposed Order)(Huang, Yolanda) (Filed on 3/14/2019) (Entered: 03/14/2019)
03/27/2019	<u>33</u>	ORDER RE MOTION FOR PRELIMINARY INJUNCTION. Parties to file a joint proposed order by April 11, 2019. Signed by Judge James Donato on 3/27/2019. (jdlc2S, COURT STAFF) (Filed on 3/27/2019) (Entered: 03/27/2019)
03/28/2019	<u>34</u>	STIPULATION WITH PROPOSED ORDER re <u>28</u> MOTION to Dismiss <i>COMPLAINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON MOTION TO DISMISS</i> filed by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Thomas, Gregory) (Filed on 3/28/2019) (Entered: 03/28/2019)
04/01/2019	35	ORDER. In light of the parties' joint request, Dkt. No. <u>34</u> , the hearing on the motion to dismiss is continued to June 20, 2019. Signed by Judge James Donato on 4/1/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 4/1/2019) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines as to <u>28</u> MOTION to Dismiss <i>COMPLAINT</i> . Motion Hearing set for 6/20/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. (lrcS, COURT STAFF) (Filed on 4/1/2019) (Entered: 04/02/2019)
04/11/2019	<u>36</u>	Letter Brief re <u>33</u> Order, Terminate Motions filed byGregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Attachments: # <u>1</u> Proposed Order RE MOTION FOR PRELIMINARY INJUNCTION)(Related document(s) <u>33</u>) (Thomas, Gregory) (Filed on 4/11/2019) (Entered: 04/11/2019)
04/11/2019	<u>37</u>	Letter <i>Brief From Plaintiffs re: Proposed Preliminary Injunction order.</i> (Attachments: # <u>1</u> Proposed Order Plaintiffs Proposed Order re: Preliminary Injunction)(Huang, Yolanda) (Filed on 4/11/2019) (Entered: 04/11/2019)

04/22/2019	<u>38</u>	SUPPLEMENTAL ORDER RE PRELIMINARY INJUNCTION. Signed by Judge James Donato on 4/22/2019. (jdlc3S, COURT STAFF) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	<u>39</u>	TRANSCRIPT ORDER for proceedings held on 02/28/2019 before Judge James Donato by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson, for Court Reporter Vicki Eastvold. (Thomas, Gregory) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/25/2019	<u>40</u>	Transcript of Proceedings held on 2/28/19, before Judge James Donato. Court Reporter Vicki Eastvold, telephone number 218-355-8781. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 5/16/2019. Redacted Transcript Deadline set for 5/28/2019. Release of Transcript Restriction set for 7/24/2019. (veS, COURT STAFF) (Filed on 4/25/2019) (Entered: 04/25/2019)
05/15/2019	<u>41</u>	STIPULATION WITH PROPOSED ORDER re <u>30</u> Opposition/Response to Motion, <u>28</u> MOTION to Dismiss <i>COMPLAINT</i> , 35 Order,, Terminate Motions,, Set Hearings, <u>31</u> Reply to Opposition/Response, <i>To Continue hearing from June 20, 2019 to June 27, 2019</i> filed by Andrea Hernandez, Tyreka Stewart. (Huang, Yolanda) (Filed on 5/15/2019) (Entered: 05/15/2019)
05/16/2019	<u>42</u>	ORDER. At the joint request of the parties, the hearing on defendants' <u>28</u> motion to dismiss is continued to June 27, 2019, at 10:00 a.m. Signed by Judge James Donato on 5/16/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc2S, COURT STAFF) (Filed on 5/16/2019) (Entered: 05/16/2019)
06/06/2019	<u>43</u>	Ex Parte Application re <u>38</u> Order to Modify Judge Donato's April 22, 2019, Supplemental Order re Preliminary Injunction filed by Wellpath, Inc.. (Attachments: # <u>1</u> Declaration ISO of Ex Parte Application)(Bertling, Peter) (Filed on 6/6/2019) (Entered: 06/06/2019)
06/10/2019	<u>44</u>	OPPOSITION/RESPONSE (re <u>43</u> Ex Parte Application re <u>38</u> Order to Modify Judge Donato's April 22, 2019, Supplemental Order re Preliminary Injunction) filed by Tikisha Upshaw. (Attachments: # <u>1</u> Declaration of Yolanda Huang In Support of Plaintiffs' Opposition)(Huang, Yolanda) (Filed on 6/10/2019) (Entered: 06/10/2019)
06/13/2019	<u>45</u>	Ex Parte Application re 42 Order,, Terminate Motions,, Set Motion and Deadlines/Hearings, <i>for Concurrent Case Management Conference for June 27, 2019</i> filed by Tikisha Upshaw. (Huang, Yolanda) (Filed on 6/13/2019) (Entered: 06/13/2019)
06/17/2019	<u>46</u>	ORDER. Plaintiff's ex parte application for a case management conference is granted. The parties will submit a joint case management statement by June 20, 2019. A case management conference is set for June 27, 2019, to be held concurrently with the hearing on defendants motion to dismiss. Signed by Judge James Donato on 6/17/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 6/17/2019) (Entered: 06/17/2019)
06/20/2019	<u>47</u>	CLERK'S NOTICE Continuing Motion Hearing. (This is a text-only entry generated by the court. There is no document associated with this entry.), Set/Reset Deadlines as to <u>28</u> MOTION to Dismiss <i>COMPLAINT</i> . Motion Hearing continued in light of a criminal trial to 8/1/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. (Related documents(s) <u>28</u>)(lrcS, COURT STAFF) (Filed on 6/20/2019) (Entered: 06/20/2019)
06/20/2019	<u>48</u>	CLERK'S NOTICE. (This is a text-only entry generated by the court. There is no document associated with this entry.) Initial Case Management Conference continued to 8/1/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor. (lrcS, COURT STAFF) (Filed on 6/20/2019) (Entered: 06/20/2019)

06/27/2019	<u>49</u>	MOTION to Certify Class <i>on Limited Issue</i> filed by Andrea Hernandez, Tyreka Stewart, Tikisha Upshaw. Motion Hearing set for 8/1/2019 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Responses due by 7/11/2019. Replies due by 7/18/2019. (Attachments: # <u>1</u> Supplement Memorandum of Points & Authorities, # <u>2</u> Affidavit of Dr. Jamie Zeitzer, # <u>3</u> Affidavit of Tikisha Upshaw, # <u>4</u> Affidavit of Dennis Cunningham)(Huang, Yolanda) (Filed on 6/27/2019) (Entered: 06/27/2019)
07/11/2019	<u>50</u>	OPPOSITION/RESPONSE (re <u>49</u> MOTION to Certify Class <i>on Limited Issue</i>) filed by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Request for Judicial Notice)(Thomas, Gregory) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/17/2019	<u>51</u>	Ex Parte Application re <u>50</u> Opposition/Response to Motion, <i>To Strike Pages 16, 17 & 18</i> filed by Tikisha Upshaw. (Huang, Yolanda) (Filed on 7/17/2019) (Entered: 07/17/2019)
07/18/2019	<u>52</u>	REPLY (re <u>49</u> MOTION to Certify Class <i>on Limited Issue</i>) filed by Andrea Hernandez, Tyreka Stewart, Tikisha Upshaw. (Attachments: # <u>1</u> Declaration Dr. Jamie Zeitzer, # <u>2</u> Declaration Dr. Jess Ghannam, # <u>3</u> Declaration Tikisha Upshaw, # <u>4</u> Declaration Jaclyn Mohrbacher, # <u>5</u> Declaration Denise Rohrbach, # <u>6</u> Declaration Yolanda Huang, # <u>7</u> Declaration Dennis Cunningham, # <u>8</u> Declaration Molly Batchelder)(Huang, Yolanda) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/19/2019	<u>53</u>	OPPOSITION/RESPONSE (re <u>51</u> Ex Parte Application re <u>50</u> Opposition/Response to Motion, <i>To Strike Pages 16, 17 & 18</i>) filed by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Thomas, Gregory) (Filed on 7/19/2019) (Entered: 07/19/2019)
07/19/2019	54	ORDER. At the parties' joint request, the motion hearing currently scheduled for August 1, 2019, is continued to September 12, 2019, which is the Court's next available date. Signed by Judge James Donato on 7/19/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 7/19/2019) (Entered: 07/19/2019)
07/19/2019	<u>55</u>	OBJECTIONS to re <u>52</u> Reply to Opposition/Response, <i>Evidence Filed by Plaintiffs in Support of Their Motion for Class Certification</i> by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Thomas, Gregory) (Filed on 7/19/2019) (Entered: 07/19/2019)
07/22/2019	56	ORDER. Plaintiffs' ex parte application <u>51</u> to strike a portion of defendants' opposition is denied. The Court's standing rules permit briefs in excess of 15 pages, but less than 25 pages, for class certification motions. Signed by Judge James Donato on 7/22/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 7/22/2019) (Entered: 07/22/2019)
07/22/2019	57	ORDER. A hearing is set for Tuesday, August 13, 2019, at 10:00 a.m. on non-party Wellpath, Inc.'s ex parte application <u>43</u> to modify the Court's April 22, 2019, Supplemental Order re Preliminary Injunction. Signed by Judge James Donato on 7/22/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 7/22/2019) (Entered: 07/22/2019)
08/08/2019	<u>58</u>	NOTICE of Appearance by Temitayo O. Peters (Peters, Temitayo) (Filed on 8/8/2019) (Entered: 08/08/2019)
08/08/2019	<u>59</u>	NOTICE of Appearance by Michael Augusto Slater (Slater, Michael) (Filed on 8/8/2019) (Entered: 08/08/2019)
08/14/2019	<u>60</u>	Minute Entry for proceedings held before Judge James Donato: Motion Hearing held on 8/13/2019. ; ***Motions terminated: <u>43</u> Ex Parte Application re <u>38</u> Order

		to Modify Judge Donato's April 22, 2019, Supplemental Order re Preliminary Injunction filed by Wellpath, Inc.; denying <u>43</u> Ex Parte Application Total Time in Court: 12 minutes. Court Reporter: Ana Dub. (IrcS, COURT STAFF) (Date Filed: 8/14/2019) (Entered: 08/14/2019)
08/14/2019	<u>61</u>	TRANSCRIPT ORDER for proceedings held on August 13, 2019 before Judge James Donato by Wellpath, Inc., for Court Reporter Ana Dub. (Bertling, Peter) (Filed on 8/14/2019) (Entered: 08/14/2019)
08/19/2019	<u>62</u>	STIPULATION of Dismissal of Defendant D. Skoldqvist [FRCP 41(a)(1)(A)(ii)] filed by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, D. Skoldkvist, Deputy Stinson, Deputy Watson. (Thomas, Gregory) (Filed on 8/19/2019) (Entered: 08/19/2019)
08/30/2019	<u>63</u>	JOINT CASE MANAGEMENT STATEMENT filed by Alameda County. (Thomas, Gregory) (Filed on 8/30/2019) (Entered: 08/30/2019)
09/01/2019	<u>64</u>	Transcript of Proceedings held on August 13, 2019, before Judge James Donato. Court Reporter Ana M. Dub, CSR No. 7445, RDR, CRR, telephone number (415) 290-1651; ana_dub@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>61</u> Transcript Order) Release of Transcript Restriction set for 12/2/2019. (Related documents(s) <u>61</u>) (amdS, COURT STAFF) (Filed on 9/1/2019) (Entered: 09/01/2019)
09/12/2019	<u>65</u>	Minute Entry for proceedings held before Judge James Donato: Motion Hearing held on 9/12/2019. ; granting in part and denying in part <u>28</u> Motion to DismissTotal Time in Court: 29 minutes. Court Reporter: JoAnn Bryce. (IrcS, COURT STAFF) (Date Filed: 9/12/2019) (Entered: 09/13/2019)
09/13/2019	66	CLERK'S NOTICE SETTING IN-PERSON SETTLEMENT CONFERENCE: The court sets an in-person Settlement Conference for 9/30/2019 at 01:30 PM in San Francisco, Courtroom B, 15th Floor before Magistrate Judge Laurel Beeler. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ejkS, COURT STAFF) (Filed on 9/13/2019) (Entered: 09/13/2019)
09/13/2019	67	ORDER. At the parties' joint request, the case is referred to Magistrate Judge Laurel Beeler for settlement proceedings. Signed by Judge James Donato on 9/13/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc3S, COURT STAFF) (Filed on 9/13/2019) (Entered: 09/13/2019)
09/13/2019		CASE REFERRED to Magistrate Judge Laurel Beeler for Settlement (ahm, COURT STAFF) (Filed on 9/13/2019) (Entered: 09/16/2019)
09/16/2019	<u>68</u>	ORDER RE <u>23</u> ADMINISTRATIVE MOTION TO SEAL. Signed by Judge James Donato on 9/16/2019. (jdlc3S, COURT STAFF) (Filed on 9/16/2019) (Entered: 09/16/2019)
09/18/2019	<u>69</u>	TRANSCRIPT ORDER for proceedings held on 9/12/2019 before Judge James Donato by Gregory J. Ahern, Alameda County, Alameda County Sheriff's Office, Deputy Burbank, Deputy Chandra, Deputy Crandall, Deputy Guerra, Deputy Henderson, D. Hesselein, D. Houghtelling, Tom Madigan, Tara Russell, Deputy Sensiba, Deputy Stinson, Deputy Watson, for Court Reporter Jo Ann Bryce. (Thomas, Gregory) (Filed on 9/18/2019) (Entered: 09/18/2019)
09/27/2019	<u>70</u>	ANSWER to Complaint with Jury Demand by Alameda County, Alameda County Sheriff's Office. (Thomas, Gregory) (Filed on 9/27/2019) (Entered: 09/27/2019)
09/27/2019	<u>71</u>	JOINT CASE MANAGEMENT STATEMENT <i>re: Discovery and Plaintiffs' Nighttime Sleep Concerns</i> filed by Alameda County, Alameda County Sheriff's Office. (Thomas, Gregory) (Filed on 9/27/2019) (Entered: 09/27/2019)

09/30/2019	<u>72</u>	<p>Minute Entry for proceedings held before Magistrate Judge Laurel Beeler: Settlement Conference held on 9/30/2019. The court held an in-person settlement conference and sets a further settlement conference for Friday, 11/22/2019 at 10:00 a.m. By 10/15/2019, the parties will exchange lists of all the issues that they want resolved. For the plaintiffs, that will be their proposed list of issues to be addressed by way of non-monetary settlement. For the defendants, that will be their list of potential issues (such as medical interventions, safety issues, and sanitation issues) that require sleep-time interventions, and their proposals for how to address them. The County will provide both lists to CFMG. The court asks CFMG to review the medical issues with the County, which will provide any feedback issues to the plaintiffs by 10/28/2019. The plaintiffs then can provide this information to their medical expert for a preliminary reaction and must share this with the County defendants by 11/8/2019. Counsel must thereafter confer by email initially and in any event by telephone no later than 11/13/2019 to identify the issues to be addressed at the 11/22/2019 settlement conference. The parties must lodge their revised proposals (as part of their settlement submissions) with the court no later than 11/15/2019 at 2 p.m. and may do so by email.</p> <p>Total Time in Court: 3 hours, 30 minutes. Not Reported.</p> <p>Plaintiffs' Attorneys: Yolanda Huang and Dennis Cunningham. Defendants' Attorney: Gregory Thomas. Also appearing: Peter Bertling for CFMG, Lynn Krieger for Aramark, Asst. Sheriff Dennis Houghtelling, Comm. Tom Madigan, Cpt. Donald Mattison, Cpt. Derrick Hesselein, and Lt. Carrie Carone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ejkS, COURT STAFF) (Date Filed: 9/30/2019) (Entered: 10/01/2019)</p>
09/30/2019	<u>73</u>	<p>Order Setting Settlement Conference before Magistrate Judge. Settlement Conference set for 11/22/2019 at 10:00 AM in San Francisco, Courtroom B, 15th Floor. Settlement Conference Statements due by 11/15/2019. Signed by Judge Laurel Beeler on 09/30/2019. (ejkS, COURT STAFF) (Filed on 9/30/2019) (Entered: 10/01/2019)</p>
10/08/2019	<u>74</u>	<p>Transcript of Proceedings held on 9/12/19, before Judge James Donato. Court Reporter Jo Ann Bryce, telephone number 510-910-5888, joann_bryce@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction after 90 days. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>69</u> Transcript Order,) Release of Transcript Restriction set for 1/6/2020. (Related documents(s) <u>69</u>) (jabS, COURTSTAFF) (Filed on 10/8/2019) (Entered: 10/08/2019)</p>
11/21/2019	75	<p>CLERK'S NOTICE VACATING SETTLEMENT CONFERENCE: The court has had multiple settlement conferences with the parties. The court had follow-up settlement conversations this week. The court vacates the settlement conference. It will hold any future settlement conference only if the parties can cometo the settlement conference prepared to resolve any differences. For example, if the plaintiffs need to do a site visit before addressing the medical claims, they must have that visit. The court reminds the parties that settlement agreements usually have enforcement mechanisms that are a more efficient and certain way of ensuring compliance than litigation. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ejkS, COURT STAFF) (Filed on 11/21/2019) (Entered: 11/21/2019)</p>
11/21/2019	76	<p>CLERK'S NOTICE: The court had further communications with the parties and directs them to confer on a discovery plan in Upshaw and a process to confer on settlement with an eye towards an in-person settlement conference in March. The court proposed dates but in the interest of making sure a date sticks, sets the in-person settlement conference on March 17, 2020 at 10:00 a.m. in Upshaw. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ejkS, COURT STAFF) (Filed on 11/21/2019) Modified on 11/21/2019 (ejkS, COURT STAFF). (Entered: 11/21/2019)</p>

11/21/2019		Set/Reset Hearing. Settlement Conference set for 3/17/2020 at 10:00 AM in San Francisco, Courtroom B, 15th Floor. (ejkS, COURT STAFF) (Filed on 11/21/2019) (Entered: 11/21/2019)
12/16/2019	<u>77</u>	NOTICE of Change of Address by Yolanda Huang (Huang, Yolanda) (Filed on 12/16/2019) (Entered: 12/16/2019)
03/13/2020	78	CLERK'S NOTICE VACATING SETTLEMENT CONFERENCE: Settlement Conference set for Tuesday, March 17, 2020 before Magistrate Judge Laurel Beeler is vacated. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ejkS, COURT STAFF) (Filed on 3/13/2020) (Entered: 03/13/2020)
03/24/2020	79	ORDER. Plaintiffs' <u>49</u> motion to certify on a limited issue under Fed. R. Civ. P. 23(c)(4) is terminated without prejudice. The motion seeks to certify a class pursuant to Fed. R. Civ. P. 23(b)(2), reserving damages claims for a possible motion under Fed. R. Civ. P. 23(b)(3). Plaintiffs' brief arguments, Dkt. No. 49-1 at 8, do not show "whether the adjudication of the certified issues would significantly advance the resolution of the underlying case, thereby achieving judicial economy and efficiency" at this time. <i>Valentino v. Carter-Wallace, Inc.</i>, 97 F.3d 1227, 1229 (9th Cir. 1996) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jdlc3S, COURT STAFF) (Filed on 3/24/2020) (Entered: 03/24/2020)