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6 Attorneys for Defendants
7 SHERIFF JOHN MCMAHON, GREG
GARLAND, JEFF ROSE, SERGEANT JAMES
8 MAHAN, A. CASTILLO, and COUNTY OF SAN
BERNARDINO (Also sued herein as SAN
9 BERNARDINO COUNTY SHERIFF’S
DEPARTMENT)

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

14 DAN MCKIBBEN, *et al.*,

15 Plaintiffs,

16 vs.

17 JOHN MCMAHON, *et al.*,

18 Defendants.

Case No. 5:14-cv-02171-JGB-SP

**STIPULATION TO VACATE
TRIAL AND PRETRIAL
DEADLINES BASED ON
CONDITIONAL SETTLEMENT
OF ENTIRE ACTION**

[Filed concurrently with [Proposed]
Order to Vacate Trial and Pretrial
Deadlines]

Judge: Hon. Jesus G. Bernal

22 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

23 Plaintiffs DAN MCKIBBEN, PEDRO GUZMAN, NICK OU, SEAN LINT,
24 ANTHONY OLIVER, TIMOTHY WALKER, ILICH VARGAS, WILLIAM
25 KENNEDY, JONATHAN ROBERTSON, STEVE aka LYNN PRICE, BRYAN
26 BAGWELL, CHRISTOPHER CRAWFORD, FREDERICK CROCKAN,
27 TAHEASH WHITE, MICHAEL aka MADISON HATFIELD, and KEVIN aka
28 VERONICA PRATT (hereinafter “Plaintiffs”) and Defendants SHERIFF JOHN

1 MCMAHON, GREG GARLAND, JEFF ROSE, SERGEANT JAMES MAHAN,
2 A. CASTILLO, and COUNTY OF SAN BERNARDINO (hereinafter
3 “Defendants”), hereby stipulate, through their respective counsel of record, to the
4 following:

5 1. After extensive ongoing negotiations, counsel for the parties have
6 reached an agreement to settle this matter in its entirety. The settlement consists of
7 three prongs – (1) a damages pool, which will provide monetary compensation to
8 the individual Plaintiffs and the members of a damages class (including costs of
9 class administration and certain expert, consulting, and mediation costs), (2) an
10 award of attorney’s fees and costs to Plaintiffs’ counsel, and (3) substantive
11 changes to San Bernardino Sheriff’s Department policies and practices. The
12 completion of the settlement process is subject to the completion of the additional
13 processes outlined in paragraphs 2 through 8 of this Stipulation.

14 2. The settlement must be approved by the County of San Bernardino
15 Board of Supervisors. Counsel for Defendants expects this matter to be scheduled
16 for approval in closed session no later than May 1, 2018.

17 3. Plaintiffs’ counsel must obtain the final approval of the 16 named
18 Plaintiffs. Counsel for Plaintiffs expects to obtain this approval by May 1, 2018.

19 4. Counsel for the parties will negotiate the terms of a formal Settlement
20 Agreement, which will incorporate all three aspects of the parties’ agreement. The
21 parties hope to finalize the Settlement Agreement by May 15, 2018.

22 5. Once the steps in paragraphs 2 through 4 have been completed,
23 Plaintiffs will file an unopposed motion with the Court seeking certification of a
24 class and seeking preliminary approval of the class action settlement. Plaintiffs
25 anticipate filing the motion for class certification and preliminary settlement
26 approval by June 15, 2018.

27 6. Once the portion of the Settlement Agreement related to substantive
28 changes to San Bernardino Sheriff’s Department policies and practices has been

1 finalized, counsel for the parties will work together to finalize changes to any San
2 Bernardino Sheriff’s Department policies that are implicated by the terms of the
3 Settlement Agreement. The parties will also work together to create new forms
4 required by the terms of the injunctive relief settlement. Defendants will propose
5 new or amended policies and forms within one month of completion of the
6 Settlement Agreement. Plaintiffs will provide feedback and request changes within
7 one month thereafter and the parties will endeavor to complete this portion of the
8 settlement within three months of completion of the Settlement Agreement, but no
9 later than the Court’s final approval of the settlement.

10 7. Once the Court has provided preliminary approval, notice will be
11 provided to all class members. That notice will include an explanation of the
12 settlement terms, class member rights to object or opt-out and the date a motion for
13 attorney’s fees will be filed and class members’ right to object to such fees.

14 8. Once the class notice period has expired, Plaintiffs will file a motion
15 for final approval of the class action settlement. Plaintiffs anticipate filing the
16 motion for final approval of the class action settlement approximately six months
17 after preliminary approval of the settlement (to allow for preparing and mailing the
18 class notice, the claims period, and the preparation of a motion for final approval).
19 At that hearing, the Court will also rule on the motion for attorney’s fees.

20 9. As a result of the foregoing, the parties request that the Court enter an
21 Order vacating the trial date and all pretrial deadlines in this matter.

22 10. If Plaintiffs have not filed their unopposed motion for class
23 certification and preliminary settlement approval by June 15, 2018, the parties will
24 file a joint report on the status of the settlement.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: March 29, 2018

KAYE, MCLANE, BEDNARSKI & LITT LLP

AMERICAN CIVIL LIBERTIES UNION OF
SOUTHERN CALIFORNIA

By: /s/ David McLane

Barrett S. Litt
David McLane
Lindsay Battles

Attorneys for Plaintiffs

DAN MCKIBBEN, PEDRO GUZMAN, NICK
OU, SEAN LINT, ANTHONY OLIVER,
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ROBERTSON, STEVE aka LYNN PRICE,
BRYAN BAGWELL, CHRISTOPHER
CRAWFORD, FREDERICK CROCKAN,
TAHEASH WHITE, MICHAEL aka
MADISON HATFIELD, and KEVIN aka
VERONICA PRATT

Dated: March 29, 2018

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Nathan A. Oyster¹

Nathan A. Oyster

Attorneys for Defendants

SHERIFF JOHN MCMAHON, GREG
GARLAND, JEFF ROSE, SERGEANT
JAMES MAHAN, A. CASTILLO, AND
COUNTY OF SAN BERNARDINO (Also
sued herein as SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT)

¹ As the filer of this Stipulation, I attest that David McLane concurs in the content of the Stipulation and has authorized its filing.