

DAVID CHIU, State Bar #189542  
City Attorney  
MEREDITH B. OSBORN, State Bar #250467  
Chief Trial Attorney  
RENEE E. ROSENBLIT, State Bar #304983  
KAITLYN MURPHY, State Bar #293309  
Deputy City Attorneys  
Fox Plaza  
1390 Market Street, 6th Floor  
San Francisco, California 94102-5408  
Telephone: (415) 554-3853 [Rosenblit]  
Telephone: (415) 554-3867 [Murphy]  
Facsimile: (415) 554-3837  
E-Mail: renee.rosenblit@sfcityatty.org  
E-Mail: kaitlyn.murphy@sfcityatty.org

Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO  
VICKI HENNESSY, PAUL MIYAMOTO, JASON JACKSON,  
AND KEVIN MCCONNELL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE POOT, KISHAWN NORBERT,  
KENYON NORBERT, MARSHALL  
HIGGINBOTHAM, ANTOINE DEWHITT,  
CORY BUTLER, MONTRAIL BRACKENS,  
DELON BARKER, and JAVONN ALLEN, on  
behalf of themselves individually and others  
similarly situated, as a class and subclass,

Plaintiffs,

vs.

SAN FRANCISCO COUNTY SHERIFF'S  
DEPARTMENT, CITY AND COUNTY OF  
SAN FRANCISCO, SAN FRANCISCO  
SHERIFF VICKI HENNESSY; CHIEF  
DEPUTY SHERIFF PAUL MIYAMOTO;  
CAPTAIN JASON JACKSON, CAPTAIN  
MCCONNELL AND JOHN AND JANE  
DOES, NOS. 1 -50,

Defendants.

Case No. 19-cv-02722 YGR (SK)

**STIPULATION AND ~~PROPOSED~~ ORDER**  
**\*\* AS MODIFIED BY THE COURT\*\***

Trial Date: Not Set



1 WHEREAS, the Court issued the following order when it granted Defendants' motion to  
 2 enforce the settlement agreement and denied Plaintiffs' motion to rescind the settlement agreement:

3 1. Plaintiffs' counsel is directed to take all reasonable steps to ensure that the  
 4 agreement is approved by the Court and becomes effective as to the class.

5 a. **By no later than December 9, 2022**, plaintiffs' counsel shall provide a joint  
 6 draft of the papers for joint approval and certification of a settlement class to  
 7 defendants' counsel. Plaintiffs' **shall also file** a Certification of Compliance  
 8 with the Court.

9 b. Defendants' counsel shall meet and confer with plaintiffs' counsel and  
 10 provide any revisions to the papers by **December 16, 2022**.

11 c. Plaintiffs' counsel shall then file the preliminary approval and certification of  
 12 a settlement class papers **by no later than December 30, 2022** with a hearing  
 13 set on the Court's calendar at the earliest convenience on a 35-day notice  
 14 calendar.

15 d. Plaintiffs are **hereby warned** that failure to timely file the motion for  
 16 preliminary approval and certification of a settlement class papers by December  
 17 30, 2022 will result in a striking of the class claims and judgment shall be  
 18 entered as to the individual defendants in accordance with the terms of the  
 19 settlement agreement.

20 e. The Court will set forth additional steps once the preliminary approval and  
 21 certification of a settlement class becomes ripe for resolution.

22 2. Counsel shall be mindful of their Rule 11 obligations on a going forward  
 23 basis. Frivolous gamesmanship will not be tolerated.

24 3. Given the age of this case, further extensions will not be granted absent  
 25 extraordinary circumstances. To the extent necessary, counsel may consider  
 26 associating with additional counsel to judiciously and efficiently resolve this  
 27 case.

28 WHEREAS, Plaintiffs was unable to provide defense counsel the joint draft or file a  
 Certification of Compliance, due to staff illness.

WHEREAS, Plaintiffs have indicated that they can provide defense counsel the joint draft of  
 the papers for joint approval and certification of a settlement class by Sunday December 18, 2022;

WHEREAS, if defense counsel receives the joint draft of the papers for joint approval and  
 certification of a settlement class on December 18, 2022, they will be able to provide comments to  
 Plaintiffs' counsel on Friday December 23, 2022;

NOW THEREFORE THE PARTIES STIPULATE AS FOLLOWS:

1. Plaintiffs' counsel will provide defense counsel with the joint draft of the papers for  
 joint approval and certification of a settlement class by December 18, 2022;

2. Defense counsel will provide comments to Plaintiffs' counsel on December 23, 2022;



3. Plaintiffs' counsel will file the joint the papers for joint approval and certification of a settlement class by no later than December 30, 2022, consistent with the Court's original order.

Counsel is reminded that extensions should be sought with the Court prior to deadlines expiring.

Dated: December 14, 2022

DAVID CHIU  
City Attorney  
MEREDITH B. OSBORN  
Chief Trial Deputy  
KAITLYN MURPHY  
Deputy City Attorneys

By: /s/ Kaithlyn Murphy  
KAITLYN MURPHY

Attorneys for Defendants

Dated: December 14, 2022

By: \*/s/ Yolanda Huang  
YOLANDA HUANG  
Attorneys for Plaintiffs

*\*Pursuant to Civil L.R. 5-1(h)(3), regarding signatories,  
each signatory has concurred in the filing of this  
document.*



1 [PROPOSED] ORDER

2 IT IS SO ORDERED.

3  
4  
5 DATED: December 15, 2022

6   
HON. YVONNE GONZALEZ ROGERS

7 United States District Court Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28