

1 Michael L. Fox (SBN 173355)
2 **DUANE MORRIS LLP**
3 Spear Tower
4 One Market Plaza, Suite 2200
5 San Francisco, CA 94105-1127
6 Telephone: +1 415 957 3000
7 Fax: +1 415 957 3001
8 E-mail: mlfox@duanemorris.com

**[Exempt From Filing Fee
Government Code § 6103]**

9 Attorneys for Defendants and Respondents
10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF
11 SAN MATEO; NEIL I. TANIGUCHI, HUGO BORJA,
12 ROSENDO PADILLA, JR., CHRISTINA MAZZEI,
13 JUDICIAL COUNCIL OF CALIFORNIA, and
14 MARTIN HOSHINO

15
16 SUPERIOR COURT OF CALIFORNIA

17 COUNTY OF ALAMEDA

18 DEBT COLLECTIVE; COMMUNITY LEGAL
19 SERVICES IN EAST PALO ALTO; ANTHONY
20 McCREE and LORENA GONZALES BAES,

21 Plaintiffs/Petitioners,

22 v.

23 SUPERIOR COURT OF CALIFORNIA, COUNTY
24 OF SAN MATEO; NEIL I. TANIGUCHI, in his
25 official capacity as Court Executive Officer; HUGO
26 BORJA, in his official capacity as Court
27 Commissioner; ROSENDO PADILLA JR, in his
28 official capacity as Court Commissioner;
CHRISTINA MAZZEI, in her official capacity as
Court Commissioner; COUNTY OF SAN MATEO;
JUDICIAL COUNCIL OF CALIFORNIA; and
MARTIN HOSHINO, in his official capacity as
Administrative Director of the Judicial Council,

Defendants/Respondents.

Case No. 22CV006393

**STIPULATION AND [PROPOSED]
ORDER FURTHER HOLDING THIS
LITIGATION IN ABEYANCE
PENDING SETTLEMENT
DISCUSSIONS**

Complaint Filed: February 2, 2022

Plaintiffs Debt Collective, Community Legal Services in East Palo Alto, Anthony McCree, and Lorena Gonzales Baes (“Plaintiffs”); and Defendants Superior Court of California, County of San Mateo (“San Mateo Superior Court”), Neal I. Taniguchi, in his official capacity as Court Executive Officer of the San Mateo Superior Court, Hugo Borja, in his official capacity as Court Commissioner of the San Mateo Superior Court, Rosendo Padilla Jr., in his official capacity as

1 Court Commissioner of the San Mateo Superior Court, Cristina Mazzei, in her official capacity as
2 Court Commissioner of the San Mateo Superior Court; (collectively, the “Court Defendants”);
3 Defendant County of San Mateo (“County Defendant”); and Defendants Judicial Council of
4 California and Martin Hoshino, in his official capacity as Administrative Director (“Judicial
5 Council Defendants”), by and through their respective counsel, hereby state and stipulate as
6 follows:

7 WHEREAS, on May 26, 2022 and October 17, 2022, the Court entered Orders approving the
8 parties’ stipulations holding this action in abeyance, now through November 15, 2022;

9 WHEREAS, the parties have been engaged in discussions to resolve this litigation following
10 the passage of AB-199, which, among other provisions: (a) reduced the maximum civil assessment
11 to \$100; (b) eliminated all civil assessment debt statewide effective July 1, 2022; and (c) provided
12 backfill funding to the judicial branch; and

13 WHEREAS, as set forth in the parties’ stipulations, without admitting any liability or
14 wrongdoing, San Mateo Superior Court agreed to stop imposing any new civil assessments in traffic
15 infraction cases until at least November 15, 2022;

16 WHEREAS, the County of San Mateo ended its role as the contracted collections agent for
17 San Mateo Superior Court, with respect to unpaid accounts including civil assessments, effective May
18 25, 2022;

19 WHEREAS, San Mateo Superior Court released and posted a public notice on November 9,
20 2022, stating, in part, “[e]ffective immediately, the San Mateo Superior Court no longer intends to
21 add civil assessments under Penal Code section 1214.1 for failure to appear or failure to pay”;

22 WHEREAS, Plaintiffs and the Judicial Council of California are also in active and ongoing
23 discussions regarding full resolution of the causes of action in this case;

24 WHEREAS, the parties believe it is in the interest of judicial economy to extend the deadline
25 and dates in the Court’s October 17, 2022 Order by approximately 16 days so that the parties can
26 continue their efforts to resolve this litigation,

27 NOW THEREFORE the parties, by and through their respective counsel, hereby stipulate as
28 follows:

1 Dated: November 14, 2022

JOHN D. NIBBELIN, COUNTY ATTORNEY

2
3 By: /s/ Craig N. Baumgartner

Craig N. Baumgartner, Deputy

4 Craig N. Baumgartner
5 Hall of Justice and Records
6 400 County Center, 6th Floor
7 Redwood City, CA 94063
8 Telephone: (650) 363-4250
9 Facsimile: (650) 363-4034
E-mail: cbaumgartner@smcgov.org

Counsel for Defendant County of San Mateo

10 **[PROPOSED] ORDER**

11 **IT IS HEREBY ORDERED** that:

12 Based on the stipulation of the parties, the parties will adhere to the following schedule:

- 13 1. This matter shall be held in abeyance until December 1, 2022, including the suspension
- 14 of all deadlines in this matter until such date and time;
- 15 2. Plaintiffs may file a Second Amended Complaint on or before December 15, 2022; *see*
- 16 Cal. Code Civ. Proc. § 472(a);
- 17 3. The initial case management conference in this matter shall remain set for February 10,
- 18 2023, or a subsequent date set by the Court.
- 19 4. The parties reserve all other rights, claims, and/or defenses.

20
21 Dated: _____, 2022

22 The Honorable Frank Roesch
23 Judge of the Superior Court

1 **PROOF OF SERVICE**

2 I am a citizen of the United States, over the age of 18 years, and not a party to interested in
3 the cause. I am an employee of Duane Morris LLP and my business address is One Market Plaza,
4 Spear Tower, Suite 2200, San Francisco, California 94105. I am readily familiar with this firm's
5 practices for collecting and processing correspondence for mailing with the United States Postal
6 Service and for transmitting documents by FedEx, fax, email, messenger and other modes. On the
7 date stated below, I served the following documents:

8 **STIPULATION AND [PROPOSED] ORDER FURTHER HOLDING THIS LITIGATION IN
9 ABEYANCE PENDING SETTLEMENT DISCUSSIONS**

10 **XX BY ELECTRONIC SERVICE:** On the date set forth below, at San Francisco, California,
11 I served the document(s) on the person listed in the Service List by submitting an electronic
12 version of the document(s) to **One Legal, LLC**, through the user interface at
13 www.onelegal.com.

14 **SERVICE ADDRESS(ES) FOR COUNSEL:**

15 16 17 18 19 20 21 22 23 24 25 26 27 28	LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA Zal K. Shroff Rio Scharf Elisa Della-Piana 131 Steuart Street, Ste. 400 San Francisco, CA 94105 Telephone: (415) 543-9444 Fax: (415) 543-0296 Email: zshroff@lccrsf.org Email: rscharf@lccrsf.org Email: edellapiana@lccrsf.org <i>Counsel for Plaintiffs/Petitioners</i>	ACLU FOUNDATION OF NORTHERN CALIFORNIA Brandon L. Greene John Thomas H. Do 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Fax: (415) 255-1478 Email: bgreene@aclunc.org Email: jdo@aclunc.org <i>Counsel for Plaintiffs/Petitioners</i>
	BAY AREA LEGAL AID Novella Y. Coleman Fawn Jade Korr 1735 Telegraph Avenue Oakland, CA 94612 Telephone: (510) 250-5235 Fax: (510) 663-4711 Email: ncoleman@baylegal.org Email: fkorr@baylegal.org <i>Counsel for Plaintiffs/Petitioners</i>	Eric Ball FENWICK & WEST LLP 801 California Street Mountain View, CA 94041 Telephone: (650) 988-8500 Fax: (650) 938-5200 Email: eball@fenwick.com <i>Counsel for Plaintiffs/Petitioners</i>
	Katherine A. Marshall FENWICK & WEST LLP 555 California Street, 12th Floor San Francisco, CA 94104 Telephone: (415) 875-2300 Fax: (415) 281-1350 Email: kmarshall@fenwick.com <i>Counsel for Plaintiffs/Petitioners</i>	JOHN D. NIBBELIN, COUNTY ATTORNEY Craig N. Baumgartner, Deputy County Attorney Hall of Justice and Records 400 County Center, 6th Floor Redwood City, CA 94063 Telephone: (650) 363-4250 Facsimile: (650) 363-4034 E-mail: cbaumgartner@smcgov.org <i>Counsel for Defendant County of San Mateo</i>

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

2 Executed on November 14, 2022, at San Francisco, California.

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Dawn Lyons

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