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CITY AND COUNTY OF SAN FRANCISCO, et al

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MERCY AMBAT, et al,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

No. CV 07-03622 SI

**STIPULATION FOR ORDER AND ORDER
PERMITTING CONSOLIDATION OF
ACTIONS AND PERMITTING FILING OF
PLAINTIFF’S FIRST AMENDED COMPLAINT
FOR DAMAGES AND INJUNCTIVE RELIEF**

Also consolidated into this action is:

PAMELA WALKER, et al,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

No. 3 CV 08-2406

1 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that:

- 2 (a) Plaintiffs represent there are additional San Francisco Deputy Sheriffs who have filed
3 claims of discrimination and retaliation with the United States Equal Employment
4 Opportunity Commission and who wish to be a part of one action, hence will seek
5 leave to add them at the appropriate time;
- 6 (b) In a Case Management Conference, the Court has indicated a desire to secure all
7 parties in one complaint so that it would assist in the efficient operation of the court
8 and resolution of this matter;
- 9 (c) Three actions have been filed for the claims of gender discrimination at the San
10 Francisco County Jail, (a) U.S. District Court Action Number CV 07-03622 SI
11 entitled *Ambat v. City and County of San Francisco*; U.S. District Court Action
12 Number 3 CV 08-2406 entitled *Walker v. City and County of San Francisco*; and
13 similar claims in the California Superior Court, San Francisco, in the case entitled
14 *San Francisco Deputy Sheriff's Association, et al, v. The City and County of San
15 Francisco*, Superior Court Number CPF-07-567047.
- 16 (d) That on May 9, 2008, all remaining plaintiffs dismissed without prejudice all claims
17 in the case in California Superior Court, San Francisco, entitled *San Francisco
18 Deputy Sheriff's Association, et al, v. The City and County of San Francisco*,
19 Superior Court Number CPF-07-567047, leaving only *Ambat* and *Walker* as the
20 remaining actions before the courts.
- 21 (e) The parties agree with the Court that consolidating the *Ambat* action and the *Walker*
22 action would enhance the resolution of the issues at the core of this action to have all
23 of such issues resolved in one suit;
- 24 (f) Because current law provides only the employer may be liable for discrimination and
25 retaliation, the First Amended and Consolidated Complaint does not name any
26 individual defendants and contains no claims against individual defendants.
27 Therefore, the pending motion in the *Ambat* case should be dismissed as moot and
28 removed from the court's calendar.

- 1 (g) With both actions consolidated into one complaint, a copy of which is attached as
- 2 Exhibit A, the case is now set for hearings on Summary Judgment/ Adjudication and
- 3 further Case Management Conference.
- 4 (h) The purpose of this stipulation is to permit the plaintiffs to file the First Amended and
- 5 Consolidated Complaint without resorting to a motion for leave to amend and or a
- 6 motion to consolidate. By entering into this Stipulation, the City does not waive its
- 7 rights to challenge the First Amended and Consolidated Complaint, or any portion
- 8 therefore, on any lawful ground at any proper time.
- 9 (i) Based on the forgoing representations and stipulation, the parties respectfully request
- 10 that the Court issue an order consolidating the *Ambat* and *Walker* actions, authorizing
- 11 plaintiffs to file their First Amended and Consolidated Complaint, and dismissing as
- 12 moot the pending motion to dismiss the individual defendants in *Ambat*.

13 Date: September 29, 2008

14 MURRAY & ASSOCIATES

SAN FRANCISCO CITY ATTORNEY OFFICE

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16
17 /s/ Lawrence D. Murray

18 Lawrence D. Murray
19 Attorney for Plaintiffs

/s/ Rafal Ofierski

20 Rafal Ofierski
21 Attorney for Defendants City and County of San
22 Francisco, et al.

ORDER ON STIPULATION FOR ORDER

HAVING READ AND CONSIDERED THE FOREGOING, and good cause appearing:

The foregoing is the order of the court.

Date:



SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

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