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ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 12/18/2020  
By Deputy: Oliverez, Melanie

Attorneys for Defendants  
MONTEREY COUNTY ANIMAL CONTROL SERVICES,  
MONTEREY COUNTY HEALTH DEPARTMENT, MONTEREY COUNTY,  
ELSA JIMENEZ, in her official capacity.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MONTEREY

HUMANE FARMING ASSOCIATION, a  
California nonprofit corporation; SHOWING  
ANIMALS RESPECT AND KINDNESS, INC., an  
Illinois nonprofit corporation; and JANE DOE, an  
individual,  
  
Petitioners and Plaintiff,

v.

MONTEREY COUNTY ANIMAL CONTROL  
SERVICES, a government entity; MONTEREY  
COUNTY HEALTH DEPARTMENT, a  
government entity; MONTEREY COUNTY, a  
political subdivision of the state of California;  
ELSA JIMENEZ, in her official capacity as  
Director of Health of the Monterey County Health  
Department, and DOES 1 through 50,  
  
Respondents and Defendants,

**CASE NO. 20CV02255**

**STIPULATION FOR STAY OF  
PROCEEDINGS AND ~~PROPOSED~~  
ORDER**

Complaint Filed: August 26, 2020  
Trial Date: Not yet assigned

Defendants MONTEREY COUNTY ANIMAL CONTROL SERVICES, MONTEREY  
COUNTY HEALTH DEPARTMENT, MONTEREY COUNTY, and ELSA JIMENEZ in her  
official capacity (“Monterey County”) and Plaintiffs HUMANE FARMING ASSOCIATION,  
SHOWING ANIMALS RESPECT AND KINDNESS, INC., and JANE DOE (“Plaintiff”)  
stipulate to staying all proceedings in this action in order to facilitate an anticipated resolution by

1 voluntary dismissal and respectfully request the Court to issue an Order for the same on the  
2 following grounds:

3 1. The parties to this action have been engaged in active good faith discussions to  
4 resolve the lawsuit since shortly after the action was filed and served. Plaintiff's lawsuit seeks to  
5 require Monterey County to do more to enforce its County Ordinance requiring permits for the  
6 keeping of five or more roosters ("Rooster Ordinance"), including the performance of certain  
7 actions which Plaintiffs allege are mandatory duties. Monterey County also seeks to do more to  
8 enforce its Rooster Ordinance. To that end, Monterey County has communicated to Plaintiffs  
9 what it has done, is doing, and plans to do in this regard, including the following:

10 a. Monterey County is forming a task force, and plans for quarterly meetings  
11 with the task force. The task force will have persons from Animal Services ("MCAS"), the  
12 County Counsel's office, the District Attorney's office, the Society for the Prevention of Cruelty  
13 to Animals ("SPCA"), the Sheriff's office, Resource Management Agency, and a Board of  
14 Supervisors representative. This task force will initially handle Rooster Ordinance enforcement,  
15 investigation, and prosecution – and may also address animal cruelty at large.

16 b. MCAS will create a rooster ordinance education video, to post on the  
17 MCAS website and in other possible outlets – such as the MCAS social media page. Further,  
18 MCAS will ask the SPCA to post the video. The video will explain the Rooster Ordinance, what  
19 is necessary to get a permit, what qualifies as violations, and what needs to be done to comply –  
20 and may also cover more areas. The video would include both an English and a Spanish  
21 narration.

22 c. MCAS will put together video or live training for law enforcement  
23 regarding animal cruelty investigation and animal handling during investigation, including  
24 rooster investigation and prosecution.

25 d. MCAS plans to track each address provided by Plaintiffs' counsel already  
26 (and as new addresses arise), and assign an MCAS staff person to investigate each address.  
27 MCAS will hold monthly staff meetings to discuss the status of the investigations and MCAS  
28

1 will provide quarterly updates to Plaintiffs' counsel regarding the status of each location, and  
2 will review any feedback from Plaintiffs' counsel.

3 e. Monterey County Counsel's office is undertaking a review of the current  
4 Rooster Ordinance and is considering suggested changes to improve the ordinance.

5 f. Monterey County Counsel's office in conjunction with the District  
6 Attorney's office will provide Plaintiffs' counsel, as an interested party, with quarterly updates  
7 on the status of rooster case prosecutions, including Penal Code 597 cases.

8 g. MCAS has started the process to hire an office assistant to handle Rooster  
9 Ordinance mailings, case details, and follow-up efforts.

10 h. To address illegal rooster keeping operations and perform other MCAS  
11 duties, MCAS has newly hired Animal Control Officers (ACOs), bringing the total number of  
12 ACOs to four (4) as of the date of this filing, which includes four (4) ACOs "in the field" and a  
13 supervisor. MCAS intends to keep all ACOs trained on illegal rooster keeping operations in  
14 order to address the issue.

15 i. MCAS is researching forensic veterinarian training options to suggest to  
16 County veterinarians and other veterinarians who support Monterey County and SPCA  
17 investigations.

18 j. Monterey County Counsel will meet and confer with Plaintiffs' counsel  
19 with respect to Plaintiffs' fact-finding of possible rooster keeping violations.

20 Performance of any the preceding actions enumerated in this Stipulation are deemed to be  
21 voluntary actions undertaken by the County, and deemed not to be legally or equitably  
22 enforceable obligations pursuant to this Stipulation. During the stipulated one-year period,  
23 Monterey County shall provide Plaintiffs, through Plaintiffs' counsel, quarterly updates as to the  
24 progress of items 1(a)-(j) listed above.

25 2. Because Plaintiffs and Monterey County both share the same goal of doing more  
26 to enforce the Rooster Ordinance, the parties wish to avoid unnecessary litigation regarding their  
27 respective legal obligations. Therefore, the parties have stipulated to, and request the Court so  
28

1 order, that this action be stayed for one year, or for an amount of time the Court finds  
2 appropriate.

3 3. During the stipulated one-year period, either party for good cause may request  
4 that this Court lift the stay prior to its one-year expiration, and the other party shall not oppose  
5 such request. In order to achieve this mutually desired alternative dispute resolution, the parties  
6 would benefit from additional time to exchange information on actions taken to enforce the  
7 Rooster Ordinance, and to confirm the stated shared intentions of the parties. Accordingly, the  
8 parties stipulate to, and request the Court so order, that this action be stayed for one year, or for  
9 an amount of time the Court finds appropriate, as set forth above.

10  
11 **IT IS SO STIPULATED.**

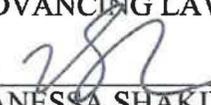
12 Dated: December 11, 2020

LESLIE J. GIRARD  
County Counsel

13  
14 By   
15 MICHAEL J. WHILDEN, Deputy County Counsel  
16 Attorneys for Defendants MONTEREY COUNTY  
17 ANIMAL CONTROL SERVICES, MONTEREY  
18 COUNTY HEALTH DEPARTMENT,  
19 MONTEREY COUNTY, ELSA JIMENEZ, in her  
20 official capacity

21 Dated: December 11, 2020

ADVANCING LAW FOR ANIMALS

22 By   
23 VANESSA SHAKIB  
24 RYAN GORDON  
25 Attorneys for Plaintiffs HUMANE FARMING  
26 ASSOCIATION, SHOWING ANIMALS  
27 RESPECT AND KINDENSS, INC., JANE DOE  
28



## PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 3<sup>rd</sup> Floor, Salinas, California.

On December 11, 2020, I served a true copy of the following document:

- 1. STIPULATION FOR STAY OF PROCEEDINGS AND [PROPOSED] ORDER**
- 2. REQUEST TO VACATE OR CONTINUE INITIAL CASE MANAGEMENT CONFERENCE AND ORDER**
- 3. CASE MANAGEMENT STATEMENT**

on the interested parties to said action by the following means:

- BY HAND-DELIVERY:** By causing a true copy thereof, enclosed in a sealed envelope, to be hand-delivered.
- BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Office of the County Counsel, 168 W. Alisal Street, 3<sup>rd</sup> Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
- BY ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address(es) listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 11, 2020, at Salinas, California.

/s/ Dolores Villa  
Dolores Villa

### **NAMES AND ADDRESSES OF EACH PARTY SERVED:**

#### SERVICE LIST

Vanessa Shakib, Esq.  
Ryan Gordon, Esq.  
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*Attorneys for Petitioners and Plaintiff*