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9 THE COMMITTEE CONCERNING COMMUNITY IMPROVEMENT

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 THE COMMITTEE CONCERNING
COMMUNITY IMPROVEMENT, et al.,

13 Plaintiffs,

14 v.

15 CITY OF MODESTO, et al.

16 Defendants.

Case No.: Civ. F-04-6121 LJO DLB

**STIPULATION AND ORDER
REGARDING PLAINTIFFS' FOURTH
AMENDED COMPLAINT**

Action filed: August 18, 2004

Hearing date: None

Judge: The Honorable Lawrence J. O'Neill

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1 WHEREAS, on August 27, 2010, the Court entered an Order on Plaintiffs' Motion to File
2 Fourth Amended Complaint, which granted the Plaintiffs' motion to amend the complaint in
3 conformance with the Order, required Plaintiffs to meet and confer with Defendants regarding the
4 claims and facts contained within the Fourth Amended Complaint, and required Plaintiffs to file a
5 further amended complaint within 30 days of the Order;

6 WHEREAS, there have been changes in status of certain of the named plaintiffs and the
7 Fourth Amended Complaint has been modified to reflect their current status and to add a
8 paragraph asserting that the remaining plaintiffs from the Bret Harte and Hatch-Midway
9 neighborhoods have standing to pursue claims on behalf of residents in Robertson Road or Rouse-
10 Colorado;

11 WHEREAS, the parties have met and conferred and have reached an agreement regarding
12 the form of the Fourth Amended Complaint;

13 WHEREAS, Defendants do not object to the filing of the Fourth Amended Complaint, but
14 reserve all rights to move to dismiss, including but not limited to moving to dismiss claims
15 brought by plaintiffs from the Bret Harte and Hatch-Midway neighborhoods with respect to the
16 Robertson Road or Rouse-Colorado neighborhoods;

17 WHEREAS, a redlined version tracking changes from the Third Amended Complaint and
18 clean copy of the Fourth Amended Complaint are attached to this stipulation as exhibits A and B,
19 respectively.

20 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel
21 for the parties:

- 22 1. The Fourth Amended Complaint may be filed.

23 Dated: September 27, 2010

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27 By: /s/ Brian P. Brosnahan

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Dated: September 27, 2010

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By: /s/ Terence Cassidy

Dated: September 27, 2010

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By: /s/ Richard J. Burdge

Dated: September 27, 2010

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*Attorneys for Defendant Consolidated Emergency Dispatch
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By: /s/ Jesse Rivera

IT IS SO ORDERED.

Dated: October 1, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE