1 Kimberly E. Colwell, Esq. (SBN: 127604) kcolwell@meyersnave.com 2 Kevin E. Gilbert, Esq. (SBN: 209236) kgilbert@meyersnave.com 3 MEYERS, NAVE, RIBACK, SILVER & WILSON 555 12th Street, Suite 1500 4 Oakland, CA 94607 Telephone: (510) 808-2000 Facsimile: (510) 444-1108 5 6 Attorneys for Defendants CITY OF MODESTO, OFFICERS GARRETT CRAWFORD, 7 DOUGLAS GRIEPP, DAVID ANGAROLE, TODD MUSTO, JOSEPH PIMENTAL, TONY SCOPESI and YAIR OAXACA 8 9 UNITED STATES DISTRICT COURT 10 EASTERN DISTRICT OF CALIFORNIA 11 12 MARGARET A. SHEPHERD, Case No: 1:08-CV-00128-OWW-DLB Plaintiff, 13 STIPULATION AND ORDER WAIVING ORAL ARGUMENT ON DEFENDANTS 14 v. SERGEANT GARRETT CRAWFORD, OFFICERS DOUGLAS GRIEPP, DAVID 15 OFFICER GARRETT CRAWFORD, OFFICER ANGAROLE, TODD MUSTO, JÓSEPH PIMENTAL, TONY SCOPESI AND YAIR D. GRIEPP, OFFICER DAVID ANGAROLE, OFFICER T. MUSTARO, OFFICER JOSEPH 16 PIMENTAL, OFFICER SCOPESI, OFFICER OAXACA'S MOTION FOR AWARD OF YAIR OAXACA, DOE OFFICER ONE, DOE ATTORNEYS' FEES AND COSTS 17 AGAINST PLAINTIFF MARGARET OFFICER TWO, DOE OFFICER THREE, DOE OFFICER FOUR, CITY OF MODESTO, **SHEPHERD** 18 THE COPPER RHINO, LLC, LESLIE R. KNOLL, GRIFFIN ALLEN DYE, and DOES 19 5-20, inclusive. 20 Defendants. 21 22 23 24 25 26 27 28

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1 **STIPULATION** 2 It is hereby stipulated and agreed by and between the parties that the Motion of Defendants 3 Sergeant Garrett Crawford, Officers Douglas Griepp, David Angarole, Todd Musto, Joseph Pimental, 4 Tony Scopesi and Yair Oaxaca's Motion For Award of Attorneys' Fees and Costs Against Plaintiff 5 Margaret Shepherd which was filed on or about July 20, 2009 shall be submitted for decision without 6 oral argument. Any briefs for said motion, including without limitation any opposition or reply, shall 7 be filed based upon a hearing date of October 26, 2009. 8 Dated: August 25, 2009 MEYERS, NAVE, RIBACK, SILVER & WILSON 9 10 By:__ /s/ Kimberly E. Colwell Kimberly E. Colwell 11 Attorneys for Defendants CITY OF MODESTO, OFFICERS GARRETT 12 CRAWFORD, DOUGLAS GRIEPP, DAVID ANGAROLE, TODD MUSTO, JOSEPH PIMENTAL, 13 TONY SCOPESI and YAIR OAXACA 14 LAW OFFICES OF JAMES F. DeMARTINI Dated: August 25, 2009 15 16 /s/ James F. DeMartini James F. DeMartini 17 Attorneys for Plaintiff 18 MARGARET A. SHEPHERD 19 **ORDER** 20 GOOD CAUSE APPEARING, the Court hereby adopts the Stipulation of the parties as an 21 Order of this Court. Defendants' Motion for Attorneys' Fees against Plaintiff shall be decided by the 22 Court without oral argument. The briefing schedule shall remain as is based upon a proposed hearing 23 date of October 26, 2009. 24 25 IT IS SO ORDERED. 26 Dated: 8/27/2009 By: /s/ OLIVER W. WANGER 27 Honorable Oliver W. Wanger 28 United States District Court Judge 1285736_1.DOC