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6 Attorneys for Defendants
 7 CITY OF MODESTO, OFFICERS GARRETT CRAWFORD,
 8 DOUGLAS GRIEPP, DAVID ANGAROLE, TODD MUSTO,
 9 JOSEPH PIMENTAL, TONY SCOPESE and YAIR OAXACA

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 MARGARET A. SHEPHERD,
 13
 14 Plaintiff,

15 v.

16 OFFICER GARRETT CRAWFORD, OFFICER
 17 D. GRIEPP, OFFICER DAVID ANGAROLE,
 18 OFFICER T. MUSTARO, OFFICER JOSEPH
 19 PIMENTAL, OFFICER SCOPESE, OFFICER
 20 YAIR OAXACA, DOE OFFICER ONE, DOE
 21 OFFICER TWO, DOE OFFICER THREE,
 22 DOE OFFICER FOUR, CITY OF MODESTO,
 23 THE COPPER RHINO, LLC, LESLIE R.
 24 KNOLL, GRIFFIN ALLEN DYE, and DOES
 25 5-20, inclusive,

26 Defendants.

Case No: 1:08-CV-00128-OWW-DLB

**ORDER GRANTING IN PART AND
 DENYING IN PART DEFENDANTS CITY
 OF MODESTO, OFFICERS GARRETT
 CRAWFORD, DOUGLAS GRIEPP,
 DAVID ANGAROLE, TODD MUSTO,
 JOSEPH PIMENTAL, TONY SCOPESE
 AND YAIR OAXACA’S MOTION FOR
 SUMMARY JUDGMENT OR, IN THE
 ALTERNATIVE, SUMMARY
 ADJUDICATION**

DATE: March 23, 2009
 TIME: 10:00 am
 DEPT: Courtroom 3, 7th Floor
 JUDGE: Hon. Oliver W. Wanger

27 DEFENDANTS CITY OF MODESTO, OFFICERS GARRETT CRAWFORD, DOUGLAS
 28 GRIEPP, DAVID ANGAROLE, TODD MUSTO, JOSEPH PIMENTAL, TONY SCOPESE AND
 YAIR OAXACA’S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
 SUMMARY ADJUDICATION came on regularly for hearing before this Court on March 23, 2009 at
 10:00 a.m., in Courtroom 3 of the United States District Court, the Honorable Oliver W. Wanger
 presiding. James F. DeMartini appeared on behalf of Plaintiff. Kevin E. Gilbert appeared on behalf of
 Defendants.

1 HAVING CONSIDERED the papers and arguments submitted by counsel, and good cause
2 appearing, the Court issued its Memorandum Decision Re: Defendants' Motion for Summary
3 Judgment on March 30, 2009, granting in part and denying in part said Motion. Pursuant thereto, the
4 Court hereby Orders as follows:

5 1. The Motion for Summary Judgment filed by all Defendants as to the False Arrest Claim
6 as well as the Motion for Summary Judgment filed by Defendants Angarole and Musto are moot in
7 light of the respective dismissals filed by Plaintiff on March 24, 2009. (See Dockets 39 and 40.)

8 2. The Motion for Summary Judgment is GRANTED as to all claims against Officers
9 Pimental, Scopesi and Oaxaca;

10 3. The Motion for Summary Judgment is DENIED as to Plaintiff's section 1983 claim
11 against the City of Modesto; and

12 4. The Motion for Summary Judgment is DENIED as to the section 1983 excessive force
13 claims against Sergeant Crawford and Officer Gripp.

14 IT IS SO ORDERED.

15 Dated: April 3, 2009

16
17 /s/ OLIVER W. WANGER
18 Honorable Oliver W. Wanger

19 APPROVED AS TO FORM.

20 Dated: April 2, 2009

21 LAW OFFICES OF JAMES F. DEMARTINI

22
23 By: /s/ James F. DeMartini
24 James F. DeMartini
25 Attorneys for Plaintiff
26 MARGARET A. SHEPHERD

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