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 11 C.B.

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 C.B., a minor,

15 Plaintiff,

16 v.

17 SONORA SCHOOL DISTRICT; KAREN
 18 SINCLAIR; CITY OF SONORA; CHIEF OF
 19 POLICE MACE MCINTOSH; OFFICER
 20 HAL PROCK; DOES 1-10

21 Defendants.

Case No. 1:09-CV-00285-OWW-SMS

**ORDER DENYING IN PART AND
 GRANTING IN PART DEFENDANTS'
 MOTION FOR SUMMARY JUDGMENT**

Date: 2/07/11
 Time: 10:00 a.m.
 Courtroom: 3
 Hon.: Oliver W. Wanger

Action filed: 2/13/09
 Trial Date: 05/03/11

22 Defendants' Motion for Summary Judgment was heard by this Court on February 7, 2011,
 23 the Honorable Oliver W. Wanger presiding.

24 The Court, having read the supporting and opposing papers, and having heard oral
 25 arguments at the hearing, and good cause appearing, orders as follows:

26 **IT IS HEREBY ORDERED that:**

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1. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's 42 U.S.C. § 1983 causes of action against individual Defendants Hal Prock and Mace McIntosh for seizure and use of excessive force in violation of the 4th Amendment of the U.S. Constitution;

2. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's 42 U.S.C. § 1983 causes of action against municipal Defendant City of Sonora for seizure and use of excessive force in violation of the 4th Amendment of the U.S. Constitution;

3. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's state law claims for false imprisonment, battery, and intentional infliction of emotional distress;

4. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's claim for punitive damages against Defendants Hal Prock and Mace McIntosh;

5. Defendants' Motion for Summary Judgment is GRANTED as to Plaintiff's claim for punitive damages against Defendant City of Sonora.

IT IS SO ORDERED.

DATED: February 25, 2011 /s/ OLIVER W. WANGER
United States District Judge