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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 SCOTT MEYERS and LILA MEYERS on) CASE NO. 1:10-CV-02359-LJO-SMS
 their own behalf and as INDIVIDUAL CLASS)
 12 REPRESENTATIVES on behalf of all others)
 similarly situated,)

13) **STIPULATION AND ORDER RE:**
) **FILING OF PLAINTIFFS’ SECOND**
 14) **AMENDED COMPLAINT**

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Plaintiffs,

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vs.

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THE CITY OF FRESNO, a Municipal
 Corporation; KEITH BERGTHOLD, in his
 Official Capacity; BRIAN LEONG in his
 Official Capacity; and DOES 1 through 200,
 inclusive

Defendants.

21 Whereas Plaintiffs SCOTT MEYERS and LILA MEYERS (collectively “Plaintiffs”) and
 22 Defendants CITY OF FRESNO, KEITH BERGTHOLD and BRIAN LEONG (collectively
 23 “Defendants”) have met and conferred regarding the pleadings and are working together to limit
 24 unnecessary law and motion practice to the extent possible;

25 Whereas Plaintiffs and Defendants have reached an agreement regarding the filing of
 26 Plaintiffs’ Second Amended Complaint;

27 It is stipulated by and between Plaintiffs and Defendants, by and through their respective
 28 counsel that:

1 1. Plaintiffs will file a Second Amended Complaint in this action in response to
2 Defendants' Motion to Dismiss, or in the Alternative, for a More Definite Statement.

3 2. Plaintiffs will file their Second Amended Complaint within fourteen (14) business
4 days of the full execution of this stipulation and order.

5 3. Upon approval of this stipulation, Defendants will take the hearing on their
6 motion, currently set for February 14, 2011 off-calendar.

7 4. Defendants reserve any and all rights to challenge the amended pleadings and to
8 re-file their Motion to Dismiss in response to Plaintiffs' Second Amended Complaint.
9 Responsive pleadings shall be filed within fourteen (14) days after service of the Second
10 Amended Complaint.

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12 **IT IS SO STIPULATED:**

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14 Dated: January 21, 2011

LAW OFFICES OF DANIL MONTELEONE

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16 /s/ Jeffrey T. Belton

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Jeffrey T. Belton, Attorney for
Plaintiffs SCOTT MEYERS and LILA MEYERS

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19 Dated: January 24, 2011

BETTS & RUBIN

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21 /s/ Brady K. McGuinness

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Brady K. McGuinness, Attorney for
Defendants CITY OF FRESNO,
KEITH BERGTHOLD and BRIAN LEONG

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24 **IT IS SO ORDERED.**

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26 Dated: January 25, 2011

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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE