

LAWRENCE T. NIERMEYER
BAR NO. 157440
1301 'K' STREET, SUITE H
MODESTO, CA 95354
TELEPHONE (209) 574-9447
FACSIMILE (209) 574-9445

ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA MORDOFF

CASE NO. 1:11-CV-01039-AWI-DLB

Plaintiff,

STIPULATION AND ORDER FOR
PLAINTIFF TO FILE A SECOND
AMENDED COMPLAINT

vs.

CITY OF MODESTO, MODESTO POLICE
DEPARTMENT, MODESTO POLICE
OFFICER JAMES ROKAITIS, MODESTO
POLICE CHIEF MICHAEL HARDEN, JAMES
ROKAITIS individually and DOES 1-20
INCULSIVE.

Defendants,

WHERE AS, Plaintiff JOSHUA MORDOFF seeks to withdraw any individual claims
against MODESTO POLICE CHIEF MICHAEL HARDEN and amend his complaint in
response to Defendants 12(b) Motion to Dismiss;

The parties stipulate as follows:

IT IS HEREBY STIPULATED by and between Plaintiff JOSHUA MORDOFF,
represented by Lawrence T. Niermeyer, Esq., and Defendants CITY OF MODESTO,
MODESTO POLICE DEPARTMENT, JAMES ROKAITIS, and MODESTO POLICE CHIEF
MICHAEL HARDEN, all represented by James F. Wilson, Esq.:

1. Plaintiff JOSHUA MORDOFF may file a Second Amended Complaint on or before December 9, 2011.

2. Defendants Motion for Dismissal currently set for hearing December 12, 2011 be removed from calendar.

Dated: 12-7-11

/S/
LAWRENCE T. NIERMEYER, Esq

Dated: 12-7-11

/S/
JAMES F. WILSON, Esq

ORDER

IT IS SO ORDERED.

Dated: **December 8, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE