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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **SHARRON LE FAY; JEFF WALL;**
9 **SCOTT WALL,**

10 **Plaintiffs,**

11 **v.**

12 **WILLIAM LE FAY; FRESNO POLICE**
13 **OFFICERS ERIC PANABAKER,**
14 **DARRYLL VAN DDEURSEN and SGT.**
15 **LEN GLEIM; FRESNO POLICE**
16 **DETECTIVE JOHN GOMEZ; CITY OF**
17 **FRESNO and DOES 2 to 10,**

18 **Defendants.**

CASE NO. 1:13-cv-1362 AWI MJS

RESPONSE TO PLAINTIFFS’
REQUEST FOR CLARIFICATION

Doc. # 87

19 On January 7, 2015, the court issued an order granting Defendants’ motion for summary
20 judgment as to Plaintiff’s federal claims and declining to exercise supplemental jurisdiction over
21 Plaintiff’s pendant state claims. Doc. # 83. Plaintiffs’ state law claims were dismissed without
22 prejudice and judgment was entered in favor of Defendants as to the federal claims. In the instant
23 request for clarification, Plaintiffs request the court clarify the effect of the dismissal of state law
24 claims without prejudice on the tolling of statutory time limits on state law claims pursuant to 28
25 U.S.C. § 1367(d). It is the court’s understanding and intent that any limitations period on any state
26 law claims will begin to run as of the date the judgment of this court becomes final. “[F]inal
27 judgment’ is defined as the date on which the appellate process ‘is terminated.’” U.S. v. Cook, 705
28 F.2d 350, 351 (9th Cir. 1983); see Phillips v. Vasquez, 56 F.3d 1030, 1033 n.1 (9th Cir. 1995)
 (“the Supreme Court of California noted that ‘[a] judgment becomes final when all avenues of
direct review are exhausted”).

1 Since Plaintiffs have timely filed a notice of appeal in this case, the running of limitations
2 periods on state law claims will remain tolled pursuant to subsection 1367(d) until the later of (1)
3 the issuance of the mandate of the appellate court affirming this court's decision, or (2) the final
4 judgment by this court following remand by the appellate court to this court.

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6 IT IS SO ORDERED.

7 Dated: January 15, 2015



8 SENIOR DISTRICT JUDGE