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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,

Plaintiff,

v.

PATTERSON POLICE SERVICES/
STANISLAUS COUNTY DEPUTY
CHIEF TORI HUGHES, STANISLAUS
COUNTY DEPUTY CHRIS SCHWARTZ,
and STANISLAUS COUNTY SHERIFF
ADAM CHRISTIANSON, in their public
and individual capacity; PATTERSON
POLICE SERVICES; PATTERSON
COUNTY SHERIFF'S DEPARTMENT;
CITY OF PATTERSON; PATTERSON
POLICE SERVICES, et al., and DOES 1-
100,

Defendants.

Case No. 1:13-cv-01980-LJO-SMS

ORDER DISMISSING STATE
TORT CLAIMS (Counts 11, 12,
15, 16, and 17) AGAINST
DEFENDANT CITY OF PATTERSON

Doc. 43

On November 3, 2014, the Court dismissed all state tort claims (counts 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18) against Defendants Stanislaus County, Patterson Police Services, and the Stanislaus County Sheriff's Department since these claims were barred by the applicable statute of limitations set forth in the California Government Claims Act ("CGCA"). As a result, Defendants Stanislaus County, Patterson Police Services, and the Stanislaus County Sheriff's Department were

1 dismissed from this action. Because Defendant City of Patterson had not yet waived service, the
2 Court did not dismiss the time-barred claims against it.

3 On November 5, 2014, contending that it could not have *respondeat superior* liability for
4 nonexistent claims, the City of Patterson moved to dismiss all time-barred state tort claims against
5 it (counts 11, 12, 15, 16, and 17). Plaintiff Eugene E. Forte did not oppose the motion.

6 Accordingly, for the reasons set forth in this Court's November 3, 2014 order (Doc. 42)
7 dismissing the state tort claims as untimely, the Court hereby dismisses counts 11, 12, 15, 16, and
8 17 against Defendant City of Patterson. As a result of dismissing these counts, no claims remain
9 against Defendant City of Patterson, which is hereby dismissed from this action.
10

11 **SO ORDERED**

12 **Dated: December 2, 2014**

13 /s/ Lawrence J. O'Neill
14 **United States District Judge**