

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
3

4 GEORGE SOULIOTES,

5 Plaintiff,

6 v.

7 CITY OF MODESTO; MODESTO
8 POLICE DEP'T; MODESTO FIRE
9 DEP'T; SGT. MIKE HARDEN; DET.
10 ROGER LEE; DET. DICK RIDENOUR;
11 DET. JOHN BUEHLER; DET. DODGE
HENDEE; OFFICER JOE PIMENTEL;
INVESTIGATOR BOB EVERS;
INVESTIGATOR TOM REUSCHER;
and DOES 1-10, INCLUSIVE,

12 Defendants.
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Case No. 1:15-CV-00556-LJO-SKO

**STIPULATION AND ORDER
EXTENDING TIME TO FILE
AMENDED COMPLAINT AND
PLEADING IN RESPONSE
THERE TO AND TAKING
DECEMBER 15, 2015 MOTION
OFF CALENDAR**

Hearing: December 15, 2015

Time: 8:30 a.m.

Courtroom: 4

The Hon. Lawrence J. O'Neill

14 TO THE HONORABLE COURT:

15 WHEREAS the defendants filed a motion to dismiss and for judgment on the pleadings on
16 November 13, 2015 (Dkt. No. 34); and

17 WHEREAS, based on the December 15, 2015 hearing date, the plaintiff's opposition is
18 due on or before December 1, 2015 pursuant to Eastern District Local Rule 230(c); and

19 WHEREAS plaintiff intends to file an amended complaint in accordance with Federal
20 Rule of Civil Procedure 15(a)(1)(B) no later than December 11, 2015; and

21 WHEREAS permitting plaintiff to file an amended complaint will further the just, speedy
22 and efficient resolution of this action; and

23 WHEREAS lead defense counsel's schedule will not permit him to file a responsive
24 pleading to the plaintiff's amended complaint before the end of January 2016.

25 IT IS HEREBY STIPULATED that the plaintiff will have until December 11, 2015 to file
26 an amended complaint. Defendants will then have until January 28, 2016 to file a responsive
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1 pleading to the amended complaint. The pending motion shall be taken off the calendar based on
2 the plaintiff's intended filing of an amended complaint, and it will be the parties' responsibility to
3 place the motion back on the calendar if the plaintiff does not file an amended complaint by
4 December 23, 2015. In light of the foregoing, the dates presently designated as the deadline for
5 filing the parties' joint scheduling report and the scheduling conference (Dkt. No. 37) shall be re-
6 set as the Court deems appropriate.
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8 DATED:

Respectfully submitted,

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10 Loevy & Loevy
Law Office of Kevin G. Little

11 By: /s/ Rachel Steinback
12 Rachel Steinback
13 Attorneys for Plaintiff
George Souliotes

14 City of Modesto, Office of the City Attorney
15 Meyers, Nave, Riback, Silver & Wilson

16 By: /s/ Blake Loeb
17 Blake P. Loeb
18 Attorneys for Defendants
19 City of Modesto; Chief Mike Harden; Det.
20 Roger Lee; Det. Dick Ridenour; Det. Jon
Buehler; Det. Dodge Hendee; Officer Joe
Pimentel; Captain Bob Evers; and Captain
Tom Reuscher

21 GOOD CAUSE APPEARING, the above Stipulation is accepted and adopted as the Order of this
22 Court.

23 IT IS SO ORDERED.

24 Dated: December 2, 2015

/s/ Lawrence J. O'Neill
25 UNITED STATES DISTRICT JUDGE
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STIPULATION AND ORDER