

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

GEORGE SOULIOTES,

Plaintiff,

V.

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

Defendants.

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

**STIPULATION AND ORDER
EXTENDING TIME TO FILE
AMENDED COMPLAINT AND
PLEADING IN RESPONSE
THERETO 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

TO THE HONORABLE COURT:

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

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

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

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

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

IT IS HEREBY STIPULATED that the plaintiff will have until December 11, 2015 to file an amended complaint. Defendants will then have until January 28, 2016 to file a responsive

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.
7

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

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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27
28 STIPULATION AND ORDER