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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

11 DESIREE MARTINEZ,

12 Plaintiff,

13 v.

14 KYLE PENNINGTON; KIM PENNINGTON;
 15 CONNIE PENNINGTON; KRISTINA
 16 HERSHBERGER; JESUS SANTILLAN;
 17 CHANNON HIGH; THE CITY OF CLOVIS;
 18 ANGELA YAMBUPAH; RALPH SALAZAR;
 19 FRED SANDERS; THE CITY OF SANGER;
 20 DOES 1-20,

Defendants.

No. 1:15-CV-00683-JAM-MJS

PARTIAL JUDGMENT ISSUED IN
 ACCORDANCE WITH FEDERAL RULE
 OF CIVIL PROCEDURE 54(b)

21 Based on the parties' stipulation and the Court's Order thereon, the Court hereby adjudges as
 22 follows:

23 1. All plaintiff's claims against defendants Jesus Santillan and Ralph Salazar are hereby
 24 dismissed with prejudice, with the parties bearing their respective attorney's fees and expenses.

25 2. All plaintiff's claims against defendants Kristina Hershberger, Angela Yambupah, Fred
 26 Sanders, the City of Clovis and the City of Sanger are hereby dismissed with prejudice, and those
 27 defendants may apply to seek fees and expenses in accordance with Federal Rule of Civil Procedure
 28

PARTIAL JUDGMENT

1 54(d) and as authorized by substantive law and the Rules of this Court.

2 3. Plaintiff's equal protection claim against defendant Channon High is hereby dismissed with
3 prejudice. Summary judgment as to plaintiff's substantive due process claim against defendant High is
4 hereby denied. The issues of costs and fees regarding plaintiff's claims against defendant High are
5 reserved pending their full and final disposition.
6

7 4. Plaintiff's 42 U.S.C. § 1985(2) and state law negligence claims against defendants Kim
8 Pennington and Connie Pennington are hereby dismissed with prejudice. Summary judgment as to
9 plaintiff's claims against Kim and Connie Pennington alleging conspiracy to violate California Civil Code
10 §§ 51.7, 52.4, 1708.5, 1708.6, and to also to commit state law battery is hereby denied. The issues of
11 costs and fees regarding plaintiff's claims against defendants Kim and Connie Pennington are reserved
12 pending their full and final disposition.
13

14 5. The plaintiff's claims against defendant Kyle Pennington have not been adjudicated and
15 are not affected by this partial judgment.
16

17 6. Pursuant to Federal Rule of Civil Procedure 54(b), there is no just cause for delay of
18 the issuance of a partial judgment and permitting the affected parties to litigate an appeal thereof in
19 the United States Court of Appeals for the Ninth Circuit.
20

21 ADJUDGED, ORDERED AND DECREED.

22 Date: 12/5/2017

23 /s/ John A. Mendez
24 John A. Mendez
25 United States District Court Judge
26
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