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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGELINA NUNES, et al.,
Plaintiffs,
v.
COUNTY OF STANISLAUS, et al.,
Defendants.

Case No. 1:17-cv-00633-DAD-SAB
ORDER GRANTING STIPULATION FOR
PLAINTIFFS TO FILE A FIRST AMENDED
COMPLAINT
(ECF No. 35)
JULY 18, 2018 DEADLINE

On May 5, 2017, Plaintiffs filed this action. (ECF No. 1.) After Defendants’ motion to dismiss was denied, they filed an answer on September 29, 2017. (ECF No. 21.) On October 17, 2017, the Court held the scheduling conference, and the scheduling order issued on October 19, 2017. (ECF Nos. 23, 24.) On July 6, 2018, Plaintiffs filed a stipulation for Plaintiffs to file a first amended complaint. (ECF No. 33.) On July 9, 2018, the stipulation for Plaintiffs to file a first amended complaint was denied without prejudice as there was no explanation for why the request to file a first amended complaint was not made before the May 1, 2018 deadline to amend pleadings. (ECF No. 34.)

On July 12, 2018, the parties filed another stipulation for Plaintiffs to file a first amended complaint and attached the declaration of Robert R. Powell, counsel for Plaintiffs, in support of the stipulation. (ECF No. 35.) Mr. Powell declares that the only modifications to the original complaint are additions to the complaint that are related to Monell liability issues. Mr. Powell

1 explains that the new information was learned through recent depositions and the depositions
2 could not take place until Plaintiffs obtained the juvenile case file records on the family and
3 children. He states that it took Plaintiffs five months to obtain the juvenile case file records.
4 Based on Mr. Powell's declaration, the Court finds that Plaintiffs have shown excusable neglect
5 for not filing the request to file a first amended complaint prior to the May 1, 2018 deadline to
6 amend the pleadings.

7 Pursuant to the stipulation of the parties, it is HEREBY ORDERED that:

- 8 1. Plaintiffs are granted leave to file their first amended complaint; and
- 9 2. Plaintiffs shall file the first amended complaint on or before July 18, 2018.

10 IT IS SO ORDERED.

11 Dated: July 13, 2018

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14 UNITED STATES MAGISTRATE JUDGE