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12 RAY VILLALVAZO

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

15 ISIAH MURRIETTA-GOLDING,
16 Deceased, THROUGH HIS
17 SUCCESSOR IN INTEREST
18 CHRISTINA PAULINE LOPEZ; and
19 CHRISTINA PAULINE LOPEZ,
20 Individually,,

21 Plaintiffs,

22 v.

23 CITY OF FRESNO, a public entity,
24 CITY OF FRESNO POLICE CHIEF
25 JERRY DYER, SERGEANT RAY
26 VILLALVAZO, individually, and
27 DOES 3 through 10, Jointly and
28 Severally,

Defendants.

ISIAH MURRIETTA-GOLDING,
Deceased, THROUGH HIS
SUCCESSOR IN INTEREST
ANTHONY GOLDING; and
ANTHONY GOLDING, Individually,
Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:18-cv-00314-AWI-SKO
[Anthony W. Ishii, District Judge; Sheila
K. Oberto, Magistrate Judge]

**STIPULATION AND ORDER TO
WITHDRAW PLAINTIFF LOPEZ'S
MOTION
FOR PROTECTIVE ORDER AS
MOOT AND VACATE HEARING
DATE**

(Docs, 66, 71)
MPO Hearing:
Trial Date:

07/22/2020
10/27/2020

1 Plaintiff ISIAH MURRIETTA-GOLDING through his Successor in Interest
2 CHRISTINA PAULINE LOPEZ, and CHRISTINA PAULINE LOPEZ individually
3 and Defendant CITY OF FRESNO ("City") hereby stipulate and respectfully request
4 that Plaintiff Lopez's Motion for Protective Order be withdrawn as moot and that the
5 Court's hearing date on plaintiff's motion be vacated based on the foregoing good
6 cause.

7 **STATEMENT OF GOOD CAUSE TO WITHDRAW PLAINTIFF'S MPO AND**
8 **VACATE HEARING DATE.**

9 1. On June 2, 2020, defendant-petitioner City of Fresno filed its petition
10 with the Fresno Superior Court – Juvenile Delinquency Division for the disclosure of
11 Israel Murrietta's juvenile case file records. On June 12, 2020, the City filed its
12 motion-request related to the June 2, 2020, petition.

13 2. On June 26, 2020, plaintiff Christina Lopez filed her Motion for
14 Protective Order related to defendant City's petition, requesting an order from the U.S.
15 District Court to prevent disclosure of the juvenile records [*see* Doc. 66.]
16 Additionally, plaintiff Lopez requested an order shortening time for defendants to file
17 their opposition to the Motion for Protective Order and for the Court to hear the
18 motion.

19 3. On June 30, 2020, the Court issued an order denying plaintiff's ex parte
20 request for an order shortening time, and setting plaintiff Lopez's Motion for
21 Protective Order for hearing on July 22, 2020, at 9:30 a.m. [Doc. 70.] The Court
22 further ordered the parties to file their Joint Statement re Discovery Disagreement
23 pursuant to the Eastern District of California Local Rules by July 15, 2020.

24 4. On June 24, 2020, the Fresno Superior Court – Juvenile Delinquency
25 Court issued an order denying defendant City's petition requesting the release of Israel
26 Murrietta's juvenile records [*see* FSC Case no. 17CEJ600233, JV-573 Order on
27 Request for Disclosure of Juvenile Case File.] On July 7, 2020, counsel for the City
28 received mail notice from the Superior Court clerk regarding the Juvenile Court's

1 order.

2 5. On July 8, 2020, the following day, counsel for the City informed
3 counsel for plaintiff Lopez of the Court's ruling.

4 6. Because the Juvenile Court's order ultimately precludes release of the
5 requested juvenile records – the subject of plaintiff Lopez's Motion for Protective
6 Order, the parties are in agreement that good cause exists for plaintiff Lopez's Motion
7 for Protective Order to be withdrawn as moot, and for the associated July 22, 2020,
8 hearing date for plaintiff's motion to be vacated.

9 **STIPULATION TO WITHDRAW PLAINTIFF LOPEZ's MOTION FOR**
10 **PROTECTIVE ORDER AS MOOT AND VACATE HEARING DATE**

11 7. Based on the foregoing good cause, plaintiff Lopez and the City
12 respectfully request that plaintiff Lopez's Motion for Protective Order be withdrawn
13 as moot, and that the July 22, 2020, hearing date on plaintiff's motion be vacated.

14 8. This Stipulation may be signed in counterpart and a facsimile or
15 electronic signature shall be as valid as an original signature.

16 **IT IS SO STIPULATED.**

17
18 DATED: July 10, 2020

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

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20
21 By: /s/ Mildred K. O'Linn
22 Mildred K. O'Linn, Esq.
23 Tony M. Sain, Esq.
24 Lynn L. Carpenter, Esq.
25 Attorneys for Defendants,
26 CITY OF FRESNO, JERRY DYER, AND
27 RAY VILLALVAZO
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