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5 Attorneys for Plaintiffs: MEGAN MCKEON, TINA NEAL, and
6 LAILA NEAL

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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 * * *

11 MEGAN MCKEON; LAILA NEAL, A) Case No. 1:18-cv-00358-DAD-BAM
12 MINOR BY AND THROUGH HER)
13 GUARDIAN AD LITEM, TINA NEAL; and) **STIPULATION AND ORDER**
14 TINA NEAL,) **WITHDRAWING AND**
15 Plaintiffs,) **DISREGARDING THE**
16 vs.) **ERRONEOUSLY FILED SECOND**
17) **AMENDED COMPLAINT**
18) **(ECF No. 37)**
19 CENTRAL VALLEY COMMUNITY)
20 SPORTS FOUNDATION, a Non-Profit)
21 Corporation, dba GATEWAY ICE)
22 CENTER; and JEFF BLAIR, an individual;)
23 and DOES 1 through 50, Inclusive,)
24 Defendants.)

25 On October 1, 2018, Plaintiffs MEGAN MCKEON, LAILA NEAL, A MINOR BY AND
26 THROUGH HER GUARDIAN AD LITEM, TINA NEAL; and TINA NEAL (“Plaintiffs”) filed
27 their Second Amended Complaint against Defendant, CENTRAL VALLEY COMMUNITY
28 SPORTS FOUNDATION dba GATEWAY ICE CENTER and JEFF BLAIR (“Defendants”),
and added two Defendants, FRESNO SKATING CENTER, INC., and TJ COX.

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1 Plaintiffs improperly filed the Second Amended Complaint without obtaining either leave
2 of Court or the stipulation of the parties as required by Rule 15 of the Federal Rules of Civil
3 Procedure, Local Rule 230, and paragraph 2 of the Scheduling Conference Order (Document 34).

4 **IT IS HEREBY STIPULATED**, by and between Plaintiffs and Defendants, by and
5 through their respective counsel that:

6 1. Plaintiffs' Second Amended Complaint be deemed withdrawn; and

7 2. Plaintiffs' First Amended Complaint, filed on June 13, 2018, shall remain the
8 operative pleading, until and unless it is superseded a properly authorized and filed amended
9 complaint.

10 3. Neither the improper filing of the Second Amended Complaint nor this
11 Stipulation expands, restricts, or in any way effects Plaintiffs' rights, if any there are, to seek
12 leave of court to file the Second Amended Complaint as may be allowed by the Federal Rules of
13 Civil Procedure or the Local Rules of this Court.

14 DATED: October 4, 2018

HATMAKER LAW GROUP
A Professional Corporation

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16 By: /s/ Rachelle Taylor Golden
17 RACHELLE TAYLOR GOLDEN
18 Attorneys for Plaintiffs
19 MEGAN MCKEON; LAILA NEAL, A
20 MINOR BY AND THROUGH HER
GUARDIAN AD LITEM, TINA NEAL;
and TINA NEAL

21 DATED: October 4, 2018

COLEMAN & HOROWITT, LLP

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23 By: /s/ Keith White
24 KEITH WHITE
25 Attorneys for Defendants
26 CENTRAL VALLEY COMMUNITY
SPORTS FOUNDATION dba GATEWAY
ICE CENTER, and JEFF BLAIR

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ORDER

Having reviewed the parties' stipulation and for good cause shown **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Second Amended Complaint is deemed WITHDRAWN and the filing shall be DISREGARDED (ECF No. 37);
2. The First Amended Complaint, filed on June 13, 2018, shall remain the operative pleading, until and unless it is superseded a properly authorized and filed amended complaint.
3. Neither the improper filing of the Second Amended Complaint nor this Stipulation expands, restricts, or in any way effects Plaintiffs' rights, if any there are, to seek leave of court to file the Second Amended Complaint as may be allowed by the Federal Rules of Civil Procedure or the Local Rules of this Court.

IT IS SO ORDERED.

Dated: October 5, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE