

1 DALE L. ALLEN, JR., State Bar No. 145279  
 dalen@aghwlaw.com  
 2 PATRICK D. MORIARTY, State Bar No. 213185  
 pmoriarty@aghwlaw.com  
 3 JOHN B. ROBINSON, State Bar No. 297065  
 jrobinson@aghwlaw.com  
 4 ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP  
 180 Montgomery Street, Suite 1200  
 5 San Francisco, CA 94104  
 Telephone: (415) 697-2000  
 6 Facsimile: (415) 813-2045

7 Attorneys for Defendants  
 CITY OF MODESTO AND JON EVERS

8  
 9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

12 FRANK CARSON,  
 13 Plaintiff,  
 14 v.  
 15 COUNTY OF STANISLAUS, CITY OF  
 MODESTO, CITY OF CERES, BIRGIT  
 16 FLADAGER, MARLISSA FERREIRA,  
 DAVID HARRIS, KIRK BUNCH,  
 17 STEVE JACOBSON, JON EVERS,  
 CORY BROWN, and DEREK PERRY,  
 18 and DOES 1-25, inclusive,  
 19 Defendants.

Case No. 1:20-cv-00747-TLN  
**JOINT STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE DEADLINE TO  
 RESPOND TO COMPLAINT**  
 Hon. Troy L. Nunley  
 Trial: None Set

21 GEORGIA DEFILIPPO AND  
 CHRISTINA DEFILIPPO,  
 22 Plaintiffs,  
 23 v.  
 24 COUNTY OF STANISLAUS, ET AL.  
 25 Defendants  
 26

Case No. 1:18-cv-00496-TLN-BAM

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP  
 180 Montgomery Street, Suite 1200  
 San Francisco, California 94104

27  
 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EDUARDO QUINTANAR, JR.,  
  
Plaintiffs,  
  
v.  
  
COUNTY OF STANISLAUS, ET AL.  
  
Defendants.

Case No. 1:18-cv-01403-TLN-BAM

BALJIT ATHWAL and DALJIT  
ATWAL,  
  
Plaintiffs,  
  
v.  
  
COUNTY OF STANISLAUS; CITY  
OF TURLOCK; CITY OF MODESTO;  
CITY OF CERES; STANISLAUS  
COUNTY OFFICE OF THE  
DISTRICT ATTORNEY; KIRK  
BUNCH; JON EVERS; TIMOTHY  
REDD; DALE LINGERFELT; STEVE  
JACOBSON; BIRGIT FLADAGER;  
GALEN CARROLL;  
  
Defendants.

Case No. 1:15-cv-00311-TLN-BAM

WALTER W. WELLS and SCOTT  
MCFARLANE  
  
Plaintiffs,  
  
v.  
  
COUNTY OF STANISLAUS, ET AL.  
  
Defendants.

Case No. 1:20-cv-00770-TLN-BAM

Defendants COUNTY OF STANISLAUS; CITY OF MODESTO; CITY OF TURLOCK;  
CITY OF CERES; STANISLAUS COUNTY OFFICE OF THE DISTRICT ATTORNEY;

1 BIRGIT FLADAGER; MARLISSA FERREIRA; DAVID HARRIS; KIRK BUNCH; STEVE  
2 JACOBSON; CORY BROWN; JON EVERS; TIMOTHY REDD; DALE LINGERFELT;  
3 GALEN CARROL; FROLIAN MARISCAL; LLOYD MCKINNON; GREG JONES;  
4 KENNETH BARRINGER; GALEN CARROLL; FRANK NAVARRO; and TIMOTHY REDD  
5 (“Defendants”) and Plaintiffs ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO;  
6 CHRISTINA DEFILIPPO; EDUARDO QUINTANAR, JR.; BALJIT ATHWAL; DALJIT  
7 ATHWAL; WALTER WELLS; SCOTT MCFARLANE (“Plaintiffs”) through their respective  
8 counsel, hereby agree and stipulate as follows:

- 9 1. WHEREAS on September 29, 2021, the Honorable Judge Nunley dismissed  
10 plaintiffs’ complaints with leave to file an amended complaint within 30 days;
- 11 2. WHEREAS All parties agreed and the court ordered that the deadline for filing the  
12 amended complaints would be continued to November 18, 2021;
- 13 3. WHEREAS plaintiffs filed their amended complaints prior to the November 18,  
14 2021
- 15 3. WHEREAS Defendants’ responsive pleading was scheduled to be filed no later  
16 than 30 days after service of the plaintiffs’ Amended Complaints, which was December 17, 2021.
- 17 4. All Defendants plan to file FRCP 12(b)(6) motions to dismiss.

18 The stipulated briefing schedule is as follows:

19 Defendants’ FRCP 12(b)(6) motions to dismiss	January 10, 2022
20 Plaintiffs’ Oppositions to Defendants’ FRCP	March 11, 2022
21 12(b)(6) motions to dismiss	
22 Defendants’ Replies (if any)	April 11, 2022
23 Proposed hearing date	April 21, 2022 at 2 p.m.

24  
25 ///  
26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: December 3, 2021

Respectfully submitted,

ALLEN, GLAESSNER,  
HAZELWOOD & WERTH, LLP

By: /s/Patrick D. Moriarty  
DALE L. ALLEN, JR.  
PATRICK D. MORIARTY  
JOHN B. ROBINSON  
Attorneys for Defendants  
CITY OF MODESTO AND JON EVERS

Dated: [Click here to enter a date.](#)

GWILLIAM, IVARY, CHIOSSO, CAVALLI &  
BREWER

By: \*/s/Angelina M. Austin  
J. Gary Gwilliam  
Randall E. Strauss  
Jayme L. Walker  
Angelina M. Austin  
Attorneys for Plaintiffs  
ESTATE OF FRANK CARSON, GEORGIA  
DEFILIPPO, CHRISTINA DEFILIPPO AND  
EDUARDO QUINTANAR, JR.

Dated: December 3, 2021

MORRISON & FOERSTER LLP

By: \*/s/Arturo Gonzalez  
Arturo Gonzalez  
Attorney for Plaintiffs  
BALJIT ATHWAL, DALJIT ATWAL,  
WALTER WELLS AND SCOTT  
MCFARLANE

Dated: December 3, 2021

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By: \*/s/John Whitefleet  
John R. Whitefleet  
Attorneys for Defendants  
COUNTY OF STANISLAUS,  
STANISLAUS COUNTY OFFICE OF THE  
DISTRICT ATTORNEY, BIRGIT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FLADAGER, MARLISSA FERRIERA,  
DAVID HARRIS, KIRK BUNCH, STEVE  
JACOBSON, CORY BROWN, DALE  
LINGERFELT, FROLIAN MARISCAL,  
LLOYD MACKINNON, GREG JONES,  
KENNETH BARRINGER

Dated: December 3, 2021

ARATA SWINGLE VAN EGMOND &  
HEITLINGER

By: \*/s/Bradley J. Swingle  
Bradley J. Swingle  
Attorneys for Defendants  
CITY OF TURLOCK, CITY OF CERES,  
FRANK NAVARRO, AND TIMOTHY REDD

*\* Parties have consented to use of their electronic signature.*

**ORDER**

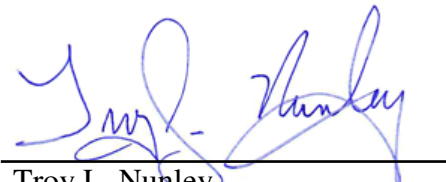
Pursuant to the stipulation of the parties:

The stipulated briefing schedule is as follows:

Defendants' FRCP 12(b)(6) motions to dismiss	January 10, 2022
Plaintiffs' Oppositions to Defendants' FRCP 12(b)(6) motions to dismiss	March 11, 2022
Defendants' Replies (if any)	April 11, 2022
Hearing Date	<b>April 21, 2022 at 2 p.m.</b>

IT IS SO ORDERED.

Dated: December 8, 2021

  
Troy L. Nunley  
United States District Judge