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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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PETER KNOWLES,

NO. CIV. 2:09-3470 WBS DAD

Plaintiff,

ORDER RE: STATUS CONFERENCE

v.

CITY OF BENICIA, Police Chief  
SANDRA SPAGNOLI, City Manager  
JIM ERICKSON, Sergeant FRANK  
HARTIG, Sergeant BOB  
OETTINGER, Sergeant CHRIS  
BIDOU, Sergeant SCOTT  
PRZEKURAT, Officer JOHN  
MCFADDEN, Officer MARK  
MENESINI, Officer JAMES  
LAUGHTER, Officer KEVIN ROSE,  
Officer JASON EAKIN, Officer,  
TED CRIADO, Officer JAKE  
HEINEMEYER, and DOES 1 through  
XXX, inclusive,

Defendants.

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The court has granted plaintiff's motion for summary  
adjudication on the issue of Frank Hartig's liability for  
violating plaintiff's Fourth Amendment rights by arresting him on  
December 23, 2007. While Hartig did not formally move for

1 summary judgment on his defense of qualified immunity, he opposed  
2 the motion in part on qualified immunity grounds. In granting  
3 plaintiff's motion, the court explicitly rejected Hartig's  
4 defense of qualified immunity.

5 It accordingly appears that the court's Order is  
6 immediately appealable. See Wilkinson v. Torres, 610 F.3d 546,  
7 549 (9th Cir. 2010) (citing Scott v. Harris, 550 U.S. 372, 376  
8 n.2 (2007)). A Status Conference is therefore set for April 4,  
9 2011, at 2:00 p.m. in Courtroom No. 5. Counsel shall be prepared  
10 to advise the court on whether Hartig intends to file an appeal  
11 from the court's Order and, if so, the extent to which further  
12 proceedings in this actions should be stayed pending such appeal.

13 IT IS SO ORDERED.

14 DATED: March 25, 2011

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16 WILLIAM B. SHUBB  
17 UNITED STATES DISTRICT JUDGE  
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