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 8 and ROBERT LANDON

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

11 MATTHEW BISCOTTI, et al.,)	Case No.: 2:11-CV-01347-JAM-EFB
)	
12 Plaintiffs,)	ORDER GRANTING DEFENDANTS'
)	MOTION FOR SUMMARY JUDGMENT
13 vs.)	
)	Date: May 1, 2013
14 CITY OF YUBA CITY, et al.,)	Time: 9:30 a.m.
)	Courtroom: 6
15 Defendants.)	
)	Honorable John A. Mendez
)	
)	

19 Defendants' Motion for Summary Judgment came on regularly for hearing on May 1,
 20 2013 at 9:30 a.m. in the above-entitled court, the Honorable John A. Mendez presiding.

21 Bruce A. Kilday and Carrie A. Frederickson of Angelo, Kilday & Kilduff LLP appeared
 22 on behalf of Defendants and moving party.

23 Brooks Cutter of Kershaw, Cutter & Ratinoff LLP appeared on behalf of Plaintiffs.

24 The matter was fully briefed and argued and submitted to the Court, whereupon the Court
 25 made the following order, which incorporates by reference the Court's ruling and comments
 26 during the Motion for Summary Judgment hearing:

27 Based upon the Court's review of the materials, and the concession by the Plaintiffs that
 28 they did not have evidence to support the Second Cause of Action (violation of Civil Rights

1 under 42 U.S.C. § 1983 – *Monell* claim against the City of Yuba City) and the Third Cause of
2 Action (supervisory liability under 42 U.S.C. § 1983 against Chief Landon), Judgment is granted
3 in favor of the Defendants as to these Causes of Action.

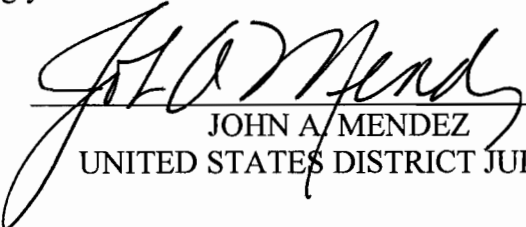
4 The Court sustains the Defendants’ evidentiary objections to paragraphs 2, 14 and 16, to
5 the Declaration of Lonnie Patterson attached to Plaintiffs’ opposition.

6 As to the remaining federal claim of a violation of substantive due process rights under
7 the Fourteenth Amendment, the Court finds that the undisputed evidence establishes that the
8 actions of Defendants Krause and Santanna do not “shock the conscience”. As explained in
9 detail at the hearing on this motion, the Court grants Defendants’ Motion for Summary Judgment
10 as to the First Cause of Action alleging a violation of substantive due process under the
11 Fourteenth Amendment.

12 The Court elects to exercise jurisdiction over the remaining claims based on state law
13 negligence theories and finds that the actions of the officers were objectively reasonable in light
14 of the information available to the officers at the time. For this reason, and as explained in detail
15 during the hearing on this matter, the Court grants summary judgment in favor of the City of
16 Yuba City and all the individual officers on the state law negligence claims contained in the
17 Fourth Cause of Action.

18 Accordingly, summary judgment is granted in favor of all Defendants on all Causes of
19 Action and Judgment is to be entered accordingly.

20 Dated: May 14, 2013



JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

23 Approved as to form.

24 /s/ *Robert Brown*

25 _____
26 Attorneys for Plaintiffs
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