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8 Attorney for Plaintiff ROCHELLE L. GILLIAM

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

11 ROCHELLE L. GILLIAM,  
12 Plaintiff,  
13  
14 v.  
15 CITY OF WEST SACRAMENTO,  
16 SERGIO ALVAREZ, DAN  
17 DRUMMOND, and DOES 1 through 25,  
18 Defendants.

**Case No.: 2:13-CV-02276-WBS-AC**

**STIPULATION & [PROPOSED] ORDER RE  
PLAINTIFF'S FILING OF SECOND  
AMENDED COMPLAINT**

**Judge: The Hon. William B. Shubb**

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21 COMES NOW Plaintiff ROCHELLE L. GILLIAM (hereinafter "Plaintiff") and requests  
22 that this Court issue an order permitting Plaintiff to file a Second Amended Complaint and take  
23 the 12(b) motion to dismiss, scheduled to be heard on April 21, 2014, off calendar.

24 The initial complaint in this matter was filed on November 1, 2013. Pursuant to the  
25 Court's ruling, a first amended complaint was thereafter required solely to replace the "JANE  
26 DOE" pseudonym with Plaintiff GILLIAM'S true name. The first amended complaint was filed  
27 on November 21, 2013.  
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1 Defendant ALVAREZ answered the first amended complaint on March 4, 2013.  
2 Defendants CITY OF WEST SACRAMENTO and DAN DRUMMOND filed their initial  
3 appearance in the form of a 12(b) motion to dismiss on March 11, 2014. This motion is presently  
4 calendared to be heard on April 21, 2014.

5 Counsel for the parties have met and conferred on the matter and have concluded that  
6 rather than have the Court hear the 12(b) motion presently on calendar, then have Plaintiff file a  
7 second amended complaint, and thereafter have a second 12(b) motion; it would save time and  
8 resources to have the presently calendared motion taken off calendar, have Plaintiff file her  
9 amended complaint and then have a single 12(b) motion, if necessary.

10 Based on the foregoing, the parties have stipulated to have the 12(b) motion to dismiss  
11 filed by Defendants CITY OF WEST SACRAMENTO and DAN DRUMMOND taken off  
12 calendar and, with the Court's permission, grant Plaintiff leave to file a second amended  
13 complaint.

14  
15 Dated: April 1, 2014

THE ASHWORTH LAW OFFICE

16  
17 /s/ James C. Ashworth  
18 JAMES C. ASHWORTH  
19 Attorney for Plaintiff

20 Dated: April 7, 2014

ANGELO, KILDAY & KILDUFF, LLP

21  
22 /s/ Bruce A. Kilday  
23 BRUCE A. KILDAY  
24 Attorney for Defendants CITY OF WEST  
25 SACRAMENTO and DAN DRUMMOND

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28 Dated: April 7, 2014

LONGYEAR, O'DEA & LAVRA, LLP

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/s/ John A. Lavra  
JOHN A. LAVRA  
Attorney for Defendant SERGIO ALVAREZ

**ORDER**

Pursuant to the stipulation of the parties, the 12(b) motion to dismiss filed by Defendants CITY OF WEST SACRAMENTO and DAN DRUMMOND is hereby taken off calendar and Plaintiff is granted leave to file a second amended complaint.

IT IS SO ORDERED

Dated: April 8, 2014

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE