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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations on the merits (ECF No. 40) are ADOPTED IN FULL.
2. Defendants' motion for summary judgment (ECF No. 34) is GRANTED IN PART and DENIED IN PART.
3. Plaintiffs' cross-motion for summary judgment (ECF No. 38) is DENIED.
4. Summary judgment is granted in favor of the City of Vallejo as to plaintiffs' *Monell* claim.
5. Summary judgment is denied as to plaintiff Marvin Gillam's 42 U.S.C. § 1983 claim against defendant Officer McCarthy and plaintiff Pamala Gillam's 42 U.S.C. § 1983 claim against defendant Officer Bautista.

IT IS SO ORDERED.

DATED: July 27, 2016.

  
UNITED STATES DISTRICT JUDGE