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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

Nathaniel Smith,
 Plaintiff,
 v.
 City of Stockton; Officer Mayer, Officer
 Robin Harrison, Officer Michael Perez,
 and former Chief of Police Blair Ullring, in
 their individual capacities; and Chief of
 Police Eric Jones, in his official capacity,
 Defendants.

Case No. 2:15-cv-00363-KJM-AC

**JOINT STIPULATION & ORDER TO
 FILE SECOND AMENDED
 COMPLAINT**

1 Plaintiff Nathaniel Smith (“Plaintiff) and Defendants City of Stockton, Officers
2 Mayer, Harrison, and Perez, and Chief of Police Jones, (“Defendants”), by and through
3 their respective counsel, hereby STIPULATE and AGREE as follows:

4 WHEREAS, on February 12, 2015, Plaintiff filed his Complaint (Doc. No. 1)
5 against Defendants in the United States District Court, Eastern District of California;

6 WHEREAS, Plaintiff served his Complaint on all Defendants;

7 WHEREAS, on October 25, 2015, Plaintiffs filed his First Amended Complaint
8 (Doc. No. 30), which is the current operative Complaint;

9 WHEREAS, Plaintiff has determined that he wishes to dismiss, with prejudice, his
10 third claim for relief against Defendants City of Stockton and Jones alleging discrimination
11 on the basis of disability;

12 THE PARTIES HEREBY STIPULATE that Plaintiff is permitted to file a Second
13 Amended Complaint, which is attached as Exhibit A to this Stipulation. This Second
14 Amended Complaint includes only Plaintiff’s First Claim for Relief for excessive force
15 and Second Claim for Relief for intentionally or recklessly provoking a confrontation.
16 The parties further stipulate that all answers and/or motions to dismiss already filed as to
17 Plaintiff’s original Complaint and First Amended Complaint shall be deemed responsive to
18 Plaintiff’s Second Amended Complaint, and that no Defendants shall file an additional
19 Answer.

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DATED: June 21, 2016

Respectfully submitted,

RIFKIN LAW OFFICE

By: /s/ Lori Rifkin

Lori Rifkin

Attorney for Plaintiff

DATED: June 21, 2016

By: /s/ Ted Wood

Ted Wood

Deputy City Attorney

Attorney for Defendants

The Court, having considered the Parties' Stipulation to file the Second Amended Complaint, and good cause appearing, the Second Amended Complaint, filed with the parties' Stipulation as Exhibit A, shall be filed within three days of this Order by Plaintiff's counsel as a separate docket entry in this action. All answers and/or motions to dismiss already filed are hereby deemed responsive to the Second Amended Complaint as the operative complaint.

IT IS SO ORDERED.

DATED: June 22, 2016


UNITED STATES DISTRICT JUDGE