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18 Attorneys for Defendants COUNTY OF
 19 SACRAMENTO, TIMOTHY JONES, JOSEPH
 20 REEVE

21 **UNITED STATES DISTRICT COURT**
 22 **EASTERN DISTRICT OF CALIFORNIA**

23 SALVADOR SHANNON, as an individual
 24 and as a successor in interest to RYAN
 25 SHANNON,

26 Plaintiff,

27 vs.

28 COUNTY OF SACRAMENTO, a
 government entity; TIMOTHY JONES, an
 individual; and JOSPEH REEVE, an
 individual.

Defendants.

Civil Action No.: 2:15 cv-00967 KJM CKD

**STIPULATION TO ALLOW PLAINTIFF
 LEAVE TO FILE FIFTH AMENDED
 COMPLAINT; ORDER THEREON**

29 WHEREAS on March 23, 2016, the Court issued its order (Doc. #45) to allow plaintiff to
 30 file the Fourth Amended Complaint (“4AC”) in this action;

31 WHEREAS defendants COUNTY OF SACRAMENTO, TIMOTHY JONES and
 32 JOSEPH REEVE have until April 26, 2016, to respond to the 4AC, pursuant to the Court’s order;

1 WHEREAS defendants intend to respond to the 4AC by way of a motion to dismiss and
2 have met and conferred with counsel for plaintiff as to this motion;

3 WHEREAS to avoid this motion, plaintiff has agreed to dismiss the battery cause of
4 action against all defendants and the excessive force claim under a *Monell*-type theory against the
5 County in the 4AC;

6 WHEREAS plaintiff has provided defendants a proposed Fifth Amended Complaint that
7 eliminates the above causes of action;

8 WHEREAS to conserve the resources of the parties and the Court, the parties wish to
9 streamline the pleadings, and motions practice in this case;

10 THEREFORE, the parties hereby stipulate, by and through their counsel of record, as
11 follows:

12 1. Upon the Court's approval of this stipulation, Plaintiff shall have 14 days in which
13 to file his proposed Fifth Amended Complaint that reflects the dismissal of the cause of action for
14 battery under state law against all defendants and the cause of action asserting a *Monell*-type
15 claim for excessive force against the County;

16 2. The Fifth Amended Complaint shall be deemed served upon the electronic filing
17 of the Fifth Amended Complaint, following the Court's approval of this stipulation; and

18 3. Defendants shall have 21 days after service of the Fifth Amended Complaint in
19 which to respond in any manner authorized by Rule 12 of the Federal Rules of Civil Procedure.

20 IT IS SO STIPULATED.

21 Date: April 22, 2016

LUCERO LAW FIRM

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24 /s/ Estevan R. Lucero
25 ESTEVAN R. LUCERO
26 Attorney for Plaintiff SALVADOR SHANNON
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DATE: April 22, 2016

CREGGER & CHALFANT LLP

/s/ Robert L. Chalfant
ROBERT L. CHALFANT
Attorneys for Defendants COUNTY OF
SACRAMENTO , TIMOTHY JONES, JOSEPH
REEVE

[PROPOSED] ORDER

After considering the Stipulation by and between the parties through their counsel of record, IT IS HEREBY ORDERED THAT:

- 1. Upon the Court’s approval of this stipulation, Plaintiff shall have 14 days in which to file his proposed Fifth Amended Complaint that reflects the dismissal of the cause of action for battery under state law against all defendants and the cause of action asserting a *Monell*-type claim for excessive force against the County;
- 2. The Fifth Amended Complaint shall be deemed served upon the electronic filing of the Fifth Amended Complaint, following the Court’s approval of this stipulation; and
- 3. Defendants shall have 21 days after service of the Fifth Amended Complaint in which to respond in any manner authorized by Rule 12 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATE: April 27, 2016


UNITED STATES DISTRICT JUDGE