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8 Attorney for Plaintiffs

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

11 BILLY ROBERT COOK, MICHAEL JOHN  
 12 MAROULAS, and BECKY SMISEK-  
 13 GAGE,

14 Plaintiffs,

15 v.

16 CITY OF FAIRFIELD, a municipal  
 17 corporation; FORMER CITY OF  
 18 FAIRFIELD POLICE CHIEF WALT  
 19 TIBBET, in his individual and official  
 20 capacities; REBECCA BELK and AARON  
 21 BERTSCH, individually and in their official  
 22 capacities as police sergeants for the City  
 23 of Fairfield, FRANK PIRO, KELLY  
 24 ROMBACH, ADAM BRUNIE,  
 25 CHRISTOPHER GRIMM, KEITH  
 26 PULSIPHER, and DOES 1-50, individually  
 27 and in their capacities as peace officers,

28 Defendants.

**Case No.: 2:15-cv-02339-KJM-KJN**

**STIPULATION AND [PROPOSED]  
 ORDER WITHDRAWING HEARING ON  
 DEFENDANT'S MOTION TO DISMISS**

HONORABLE KIMBERLY J. MUELLER

Plaintiffs Billy Robert Cook, Michael John Maroulas, and Becky Smisek-Gage, acting by and through their attorney of record, and defendants City of Fairfield, Walt Tibbet, Rebecca Belk, Aaron Bertsch, Frank Piro, Kelly Rombach, Adam Brunie, Christopher Grimm, and Keith Pulsipher, acting by and through their attorney of record, have met and conferred regarding

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1 Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint. The parties stipulate to and  
2 respectfully request the following orders:

3 1. City of Fairfield's Motion to Dismiss filed March 18, 2016, is vacated along with the  
4 hearing on it currently set for April 22, 2016.

5 2. Plaintiffs shall file and serve an amended complaint no later than April 22, 2016.

6 3. The City of Fairfield and all individual defendants represented by Bertrand, Fox, Elliot,  
7 Osman & Wenzel shall have until May 13, 2016, to respond to plaintiffs' amended complaint.

8 The parties stipulate and respectfully request the court order the above stipulation.

9 Dated: 04/05/2016

**BERTRAND, FOX, ELLIOT, OSMAN & WENZEL**

10 By: /s/ Gregory Fox (as Authorized on 04/05/2016)  
11 Gregory M. Fox  
12 Attorney for Defendants

13 Dated: 04/05/2016

**LAW OFFICES OF JUSTIN KIRK TABAYOYON**

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15 By: /s/ Justin Kirk Tabayoyon  
16 Justin Kirk Tabayoyon  
17 Attorney of Plaintiffs

18 **ELECTRONIC CASE FILING ATTESTATION**

19 I, Justin Kirk Tabayoyon, am the ECF user whose identification and password are being  
20 used to file the foregoing documents. Pursuant to Civil Local Rule 131(e), I hereby that  
21 concurrence in the filing of these documents has been obtained from each of its Signatories.  
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23 Dated: 04/05/2016

24 By: /s/ Justin Kirk Tabayoyon  
Justin Kirk Tabayoyon

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1 **ORDER**

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3 1. Good cause appearing the Stipulation is granted.

4 2. City of Fairfield's Motion to Dismiss filed March 18, 2016, is withdrawn and the hearing  
5 currently set for April 22, 2016, is vacated.

6 3. Plaintiffs shall file and serve an amended complaint no later than April 22, 2016.

7 4. City of Fairfield and all individual defendants represented by Bertrand, Fox, Elliot, Osman  
8 & Wenzel shall have until May 13, 2016, to respond to plaintiffs' amended complaint.

9 Dated: April 7, 2016.

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12 UNITED STATES DISTRICT JUDGE  
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