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6 Attorney for Plaintiffs

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

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

13 Plaintiffs,

14 v.

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

22 Defendants.

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

**STIPULATION AND [PROPOSED]
 ORDER TO FILE THIRD AMENDED
 COMPLAINT**

HONORABLE KIMBERLY J. MUELLER

23 Plaintiffs Billy Robert Cook, Michael John Maroulas, and Becky Smisek-Gage, acting by
 24 and through their attorney of record, and defendants City of Fairfield, Walt Tibbet, Rebecca
 25 Belk, Aaron Bertsch, Frank Piro, Kelly Rombach, Adam Brunie, Christopher Grimm, and Keith
 26 Pulsipher, acting by and through their attorney of record, have met and conferred regarding
 27 Plaintiffs' Second Amended Complaint. The parties agree some of the issues raised by the
 28 defendants have merit and therefore Plaintiffs will amend their complaint.

1 Given that Defendants' attorney, Gregory M. Fox, will be out of the country June 17,
2 2016, through July 5, 2016, the parties stipulate to and respectfully request the following
3 orders and schedule:

4 1. Plaintiffs shall file and serve their third amended complaint no later than June 24, 2016.

5 2. The City of Fairfield and all individual defendants represented by Bertrand, Fox, Elliot,
6 Osman & Wenzel shall have until July 15, 2016, to respond to plaintiffs' third amended
7 complaint.

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

9 Dated: 05/12/2016

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

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

13 Dated: 05/12/2016

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.

22 Dated: 05/12/2016

23 By: /s/ Justin Kirk Tabayoyon
Justin Kirk Tabayoyon

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ORDER

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3 1. Good cause appearing, the court GRANTS the parties' stipulation to file a third
4 amended complaint nunc pro tunc (ECF No. 22). Accordingly, plaintiffs shall file and serve
5 their third amended complaint no later than June 24, 2016.

6 2. The City of Fairfield and all individual defendants represented by Bertrand, Fox, Elliot,
7 Osman & Wenzel shall have until July 15, 2016 to respond to plaintiffs' third amended
8 complaint.

9 IT IS SO ORDERED.

10 DATED: May 18, 2016

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13 UNITED STATES DISTRICT JUDGE
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