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6 Attorney for Plaintiffs

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

10
11 BILLY ROBERT COOK, MICHAEL JOHN
 12 MAROULAS, and BECKY SMISEK-
 GAGE,

13 Plaintiffs,

14 v.

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

22 Defendants.

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

**STIPULATION AND ORDER
 REGARDING PLAINTIFFS'
 PRESENTATION OF GOVERNMENT
 CLAIMS; CONSTRUCTION OF 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, hereby agree to the following:

- 27 1. The incident which gave rise to this court action occurred on November 13, 2013.
- 28 2. On May 5, 2014, Plaintiff Becky Smisek-Gage presented to the City Clerk of the City of

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Fairfield, California, Claim for Damages 13-106.

3. On May 6, 2014, Plaintiff Billy Robert Cook presented to the City Clerk of the City of Fairfield, California, Claim for Damages 13-108.

4. On May 12, 2014, Plaintiff Michael John Maroulas presented to the City Clerk of the City of Fairfield, California, Claim for Damages 13-114.

5. All three plaintiffs timely presented their state law claims for damages in compliance with the six (6) month statutory limit under Gov. C. § 911.2, subdivision (a).

6. The parties agree that Plaintiffs' Third Amended Complaint shall be construed to have the above factual allegations included and Defendants waive the defense that Plaintiffs failed to comply with the claims presentation requirement of Gov. C. § 9112, subdivision (a).

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

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1 Dated: _____

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

2 By: /s/ Parry Black (As authorized on 10/12/2017)
3 Parry Black
4 Attorney for Defendants

5 Dated: _____

LAW OFFICES OF JUSTIN KIRK TABAYOYON

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7 By: /s/ Justin Kirk Tabayoyon
8 Justin Kirk Tabayoyon
9 Attorney of Plaintiffs

10 **ELECTRONIC CASE FILING ATTESTATION**

11 I, Justin Kirk Tabayoyon, am the ECF user whose identification and password are being
12 used to file the foregoing documents. Pursuant to Civil Local Rule 131(e), I hereby that
13 concurrence in the filing of these documents has been obtained from each of its Signatories.
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15 Dated: _____

15 By: /s/ Justin Kirk Tabayoyon
16 Justin Kirk Tabayoyon

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19 **ORDER**

20 Good cause appearing the Stipulation is SO ORDERED.

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22 Dated: October 16, 2017.

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24 _____
25 UNITED STATES DISTRICT JUDGE
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