

1 IN THE UNITED STATES DISTRICT COURT
 2
 3 FOR THE EASTERN DISTRICT OF CALIFORNIA

4
 5 GUILLERMO BONILLA, SANDRA) 2:16-cv-01742 LEK
 6 AMAYA BONILLA,)
 7)
 8 Plaintiffs,)
 9)
 10 vs.)
 11)
 12 CALIFORNIA HIGHWAY PATROL AN)
 13 AGENCY OF THE STATE OF)
 14 CALIFORNIA; OFFER MCKENZIE)
 15 AND SGT. PETERSON and DOES 1)
 16 TO 50,)
 17)
 18 Defendants.)
 19 _____)
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23 **ORDER TERMINATING PARTIES**

24 On April 22, 2021, the following orders were entered:
 25 the Order Granting Defendants' Motion for Summary Judgment
 26 ("Summary Judgment Order"); and the Order Granting Defendants'
 27 Motion to Dismiss Defendant Peterson for Failure to Serve
 28 ("Dismissal Order"). [Dkt. nos. 93, 94.¹] This Court granted
 29 summary judgment in favor of Defendants California Highway
 30 Patrol ("Highway Patrol") and Muriel McKenzie ("McKenzie" and
 31 collectively "Defendants") as to all of Plaintiffs Guillermo
 32 Bonilla and Sandra Amaya Bonilla's ("Plaintiffs") claims against
 them. Summary Judgment Order, 2021 WL 1587520, at *10. The

¹ The Summary Judgment Order is also available at 2021 WL 1587520, and the Dismissal Order is also available at 2021 WL 1584064.

1 Clerk's Office was directed to terminate McKenzie as a party
2 immediately, but it was directed to wait thirty days to
3 terminate the Highway Patrol as a party. Id.

4 Plaintiffs' claims against Defendant Highway Patrol
5 Sergeant Peterson ("Peterson") were dismissed, without
6 prejudice, because of Plaintiffs' failure to serve him.
7 Dismissal Order, 2021 WL 1584064, at *4. However, the dismissal
8 was subject to the Highway Patrol's compliance with this Court's
9 order "to file an affidavit or declaration, by someone with
10 personal knowledge of the relevant Highway Patrol records,
11 certifying that the address provided to Plaintiffs' counsel on
12 June 20, 2017 was Peterson's last known address at that time."
13 Id. at *3-4. The deadline for the filing of the affidavit or
14 declaration was May 7, 2021. Id. at *4.

15 On May 6, 2021, the Highway Patrol filed the
16 Declaration of Katherine Nikolai Regarding Court's April 22,
17 2021 Order [ECF 94] ("Nikolai Declaration"). [Dkt. no. 95.]
18 The Court FINDS that the Nikolai Declaration complies with the
19 requirements of the Dismissal Order. The Court therefore
20 confirms that all of Plaintiffs' claims against Peterson are
21 dismissed, without prejudice, for failure to serve. The Clerk's
22 Office is DIRECTED to terminate Peterson as a party immediately,
23 pursuant to the Dismissal Order and the instant Order.

