

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

P O R T E R | S C O T T
A PROFESSIONAL CORPORATION
John R. Whitefleet, SBN 213301
350 University Avenue, Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorney for Defendants DAVID SAMSON, JAMES MIDDLETON, DEVON SMITH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CODY DICKERSON,

Plaintiff,

Case No.: 2:17-cv-01927-TLN-EFB

v.

**STIPULATION AND ORDER FOR
PLAINTIFF TO FILE A FIRST
AMENDED COMPLAINT, AND FOR
SERVICE OF SAME**

DAVID SAMSON, individually and as a
captain of the Sutter County Sheriff's
Department, JAMES MIDDLETON,
individually and as a deputy of the Sutter
County Sheriff's Department, AND DEVON
SMITH, individually and as a deputy of the
Sutter County Sheriff's Department, and
DOES 1 THROUGH 20, inclusive,

Complaint Filed: September 15, 2017

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendants,
by and through their undersigned Counsel, pursuant to Eastern District Local Rule 143 and 144 as
follows:

- 1) The parties have met and conferred regarding deficiencies and ambiguities in the
Complaint filed, and Defendants' pending Motion to Dismiss.

P O R T E R | S C O T T
350 University Avenue, Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2) In the interest of expediting this matter, the parties agree that a First Amended Complaint would resolve some of the technical deficiencies raised in the current Motion to Dismiss.
- 3) The parties stipulate and further respectfully request that the Court grant Plaintiff leave to file a First Amended Complaint, attached.
- 4) The parties further stipulate that Defendants may have up to and including March 16, 2018 to respond to the First Amended Complaint. Good cause exists for this time to respond as the parties continue to explore the potential for early resolution.

IT IS SO STIPULATED.

Dated: February 12, 2018

Respectfully submitted,
PORTER SCOTT
A PROFESSIONAL CORPORATION
By /s/John R. Whitefleet (authorized on 2/8/18)
John R. Whitefleet
Attorney for Defendants

Dated: February 12, 2018

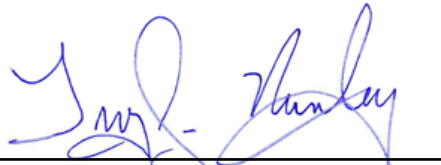
LAW OFFICE OF MICHAEL J. TREZZA
By /s/ Michael J. Trezza
Michael J. Trezza
Attorney for Plaintiff

ORDER

GOOD CAUSE appearing, the Court hereby grants Plaintiff leave to file the First Amended Complaint.¹ Defendants shall have up to March 16, 2018 to respond.

IT IS SO ORDERED.

Dated: 2/12/2018



Troy L. Nunley
United States District Judge

¹ The Court notes Plaintiff has already filed the First Amended Complaint on the docket without the Court having approved the stipulation. The parties shall refrain from making future filings in connection with stipulations prior to the stipulation being signed.