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5 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

9 James Dahlin; Kimberly Dahlin; Toby  
 Tippetts; and Martina Tippetts, individually  
 10 and as guardian ad litem of minor plaintiffs  
 ST and TT

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Plaintiffs,

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v.

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Rosemary Frieborn; Curt Ransom; Marilyn  
 14 Jasper; Cassie Reeves; Katie Newman;  
 Sherry Couzens; Michael Crosson; Humane  
 15 Society of the Sierra Foothills, a society for  
 the prevention of cruelty to animals,  
 16 Incorporated, a California domestic  
 nonprofit corporation; Friends of Placer  
 17 County Animal Shelter, an unincorporated  
 association; Friends of Auburn/Tahoe Vista  
 18 Placer County Animal Shelter, an  
 unincorporated association; Friends of  
 19 Auburn/Tahoe Vista-Placer County Animal  
 Shelter, Inc, a California domestic nonprofit  
 20 corporation; Doe 1 through Doe 125;  
 Edward J. Fritz; City of Auburn; Auburn  
 21 Police Department; Officer Debbie Nelson;  
 Officer Phillip Isetta; Building Official Jon  
 22 May; Code Enforcement Officer Jennifer  
 Solomon; Doe 126 through 150,

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Defendants

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Case No. 2:17-cv-02585-MCE-AC

STIPULATION TO TAKE MOTION TO  
DISMISS OFF CALENDAR, AMEND  
COMPLAINT, AND FILE MOTION FOR  
DISQUALIFICATION

1 Plaintiffs' counsel and counsel for Defendants Rosemary Frieborn, Curt Ransom,  
2 Marilyn Jasper, Cassie Reeves, Katie Newman, Sherry Couzens, Michael Crosson, Humane  
3 Society of the Sierra Foothills, Inc., Friends of Auburn/Tahoe Vista-Placer County Animal  
4 Shelter, Inc., Friends of Placer County Animal Shelter, an unincorporated association,  
5 Friends of Auburn/Tahoe Vista Placer County Animal Shelter, an unincorporated  
6 association, and Edward J. Fritz (collectively, the "Non-Municipal Defendants") stipulate as  
7 follows:

8 1. The Non-Municipal Defendants' motion to dismiss (Doc. Nos. 29-30) should  
9 be dropped from the Court's calendar without prejudice.

10 2. Plaintiffs will file an amendment to their Complaint regarding some or all of  
11 the Non-Municipal Defendants within 45 days after the Placer County District Attorney's  
12 Office complies with Plaintiffs' Subpoena Duces Tecum. The last date to comply with the  
13 subpoena was Friday, March 9, 2018 but the compliance date has been extended until  
14 Friday, March 16, 2018 to accommodate the custodian's trial schedule.

15 3. Plaintiffs also expect to file a motion to disqualify the Non-Municipal  
16 Defendants' counsel and will file that motion, if at all, on or before March 20, 2018. The  
17 Non-Municipal Defendants (and their counsel) intend to vigorously oppose Plaintiffs'  
18 motion.

19 4. The Non-Municipal Defendants will respond (by motion or answer) to the  
20 Complaint, as amended, no later than 21 days after the later of when the amendments  
21 regarding the Non-Municipal Defendants are filed or the Court rules on Plaintiffs' motion  
22 for disqualification.

23 SO STIPULATED

24 Respectfully submitted March 8, 2018,

25 /s/ Douglas R. Thorn  
26 Douglas R. Thorn  
27 Thorn Law Firm  
28 Attorneys for Plaintiffs

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Respectfully submitted March 8, 2018,

/s/ Chris Hollinger  
Chris A. Hollinger  
O'Melveny & Myers LLP  
Attorneys for the Non-Municipal Defendants

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the Court orders as follows:

1. The Non-Municipal Defendants' Motion to Dismiss (ECF Nos. 29-30) is hereby VACATED without prejudice to refile at a later date.
2. Plaintiffs shall file an amended complaint not later than April 30, 2018.
3. The Non-Municipal Defendants shall respond (by motion or answer) to the Amended Complaint not later than 21 days after (1) the filing of the Amended Complaint or (2) the Court issues a ruling on Plaintiffs' Motion for Disqualification, if such a motion is filed, whichever is later.

IT IS SO ORDERED

Dated: March 14, 2018

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE