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Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

POINTNER & BUELNA, LLP  
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 Tel: (510) 929 - 5400

15	DAVID GUIDRY an individual;	)	Case No.: 2:21-cv-01238-TLN-JDP
		)	
16	Plaintiff,	)	<b>STIPULATION AND ORDER</b>
		)	<b>GRANTING PLAINTIFF LEAVE TO</b>
17	v.	)	<b>FILE A SECOND AMENDED</b>
		)	<b>COMPLAINT</b>
18	CITY OF STOCKTON, a municipal	)	
	corporation; DANIEL GRAUMAN, in his	)	
19	individual capacity and as a City of	)	
	Stockton Police Officer; SEAN	)	
20	MCPHERSON, in his individual capacity	)	
	and as a City of Stockton Police Officer;	)	
21	JEREMIAH SKAGGS, in his individual	)	
	capacity and as a City of Stockton Police	)	
22	Officer; ZACHARY ADAMS, in his	)	
	individual capacity and as a City of	)	
23	Stockton Police Officer; and DOES 1-50,	)	
	inclusive.	)	
24		)	
25	Defendants.	)	

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Plaintiff and Defendants, by and through their designated counsel, hereby stipulate and agree as follows:

WHEREAS, on July 14, 2021, Plaintiff filed his Complaint (ECF No. 1);

WHEREAS, on August 18, 2021, Defendants filed their Answer to Plaintiff's Complaint (ECF No. 7);

WHEREAS, on October 26, 2021, Plaintiff and Defendants stipulated to grant Plaintiff with leave to file a First Amended Complaint, which this Court granted on October 27, 2021 (ECF No. 12);

WHEREAS, on November 3, 2021, Defendants served Plaintiff with their Initial Disclosures pursuant to Federal Rule of Civil Procedure 26, which included body-worn camera video footage of the subject incident;

WHEREAS, based on Plaintiff's counsel review of Defendants' Rule 26 Disclosures and body-worn camera video footage of the subject incident, Plaintiff's counsel has determined there is good cause to amend the now-operative First Amended Complaint to assert claims for First Amendment Retaliation and Municipal Liability against Defendants;

WHEREAS, a copy of Plaintiff's Proposed Second Amended Complaint is attached hereto as "Exhibit A."

WHEREFORE, IT IS HEREBY STIPULATED, as follows:

1. Upon entry of this Stipulation, Plaintiff shall be granted leave to file the Proposed Second Amended Complaint attached hereto as Exhibit A;

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1           2.       Defendants shall file their responsive pleading to the Second Amended Complaint  
2 within thirty (30) days after the Second Amended Complaint is filed;

3           **IT IS SO STIPULATED.**

4 Date: May 8, 2022

**POINTER & BUELNA, LLP**  
**LAWYERS FOR THE PEOPLE**

7           /s/ Patrick Buelna  
8 PATRICK M. BUELNA  
9 ADANTE D. POINTER  
COUNSEL FOR PLAINTIFF

10 Dated: May 9, 2022

**THE SLATER LAW FIRM, APC**

12 By: /s/ Michael A. Slater  
13 MICHAEL A. SLATER  
14 COUNSEL FOR PLAINTIFF

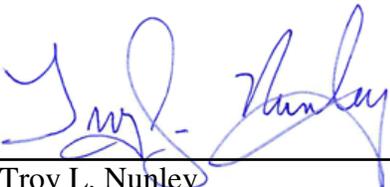
15 Dated: As authorized on May 9, 2022

**MAYALL HURLEY**

16 By: /s/ Mark Berry  
17 MARK EMMETT BERRY  
18 COUNSEL FOR DEFENDANTS

19           **IT IS SO ORDERED.**

20 Dated: May 9, 2022

21   
22 Troy L. Nunley  
23 United States District Judge  
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