

UNITED STATES DISTRICT COURT  
Northern District of CaliforniaR.K., a minor, by and through his Guardian  
Ad Litem, Tony Ko,

Plaintiffs,

v.

City of Hayward,

Defendant.  
\_\_\_\_\_ /

No. C 05-01686 MEJ

**ORDER FOR SUPPLEMENTAL  
BRIEFING BY DEFENDANT**

On September 15, 2009, the Court issued an Order directing Defendant to file a Supplemental Reply. (Dkt. #84.) In addition to responding to the arguments Plaintiff made in his Supplemental Response, Defendant shall also address the following issue:

In Defendant's Motion for Summary Judgment, Defendant argues that no violation of R.K.'s Fourth Amendment rights occurred because Officer Pierce had reasonable cause to temporarily detain R.K. pursuant to California Welfare & Institutions Code section 625(a) and 601(b) and 602. In its Motion, Defendant indicates that California courts have held that reasonable cause does not require the officer to actually observe the offending behavior. (Dkt. #64 at 10-11.) Aside from this brief statement of law, however, Defendant has not provided any discussion of what standard California courts apply to assess whether reasonable cause exists or what factors courts consider in making that determination. Defendant shall therefore address this issue in its Supplemental Reply.

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1 To allow Defendant time to address this issue, the Court will extend the deadline for  
2 Defendant's Supplemental Reply to **5:00 p.m. on Friday, September 18, 2009.**

3 **IT IS SO ORDERED.**

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5 Dated: September 16, 2009

  
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6 Maria-Elena James  
7 Chief United States Magistrate Judge  
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