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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES L. TALADA, III and MELODY LABELLA,

Plaintiffs,

v.

CITY OF MARTINEZ, CALIFORNIA, *et al.*,

Defendants.

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No. C 08-02771 WHA

**ORDER GRANTING  
PLAINTIFFS' MOTION  
FOR LEAVE TO FILE  
SECOND AMENDED  
COMPLAINT AND  
VACATING HEARING**

**INTRODUCTION**

On March 4, 2009, plaintiffs James Talada III and Melody LaBella filed a motion for leave to file a second amended complaint. All remaining defendants have filed statements of non- opposition to the motion.

On February 12, 2009, the Court granted in part and denied in part defendants' motions to dismiss. The order stated that plaintiffs may seek to cure the deficiencies in their complaint by filing a motion for leave to amend and a proposed second amended complaint. Plaintiffs have done just that. In the proposed second amended complaint, plaintiffs have withdrawn the claims this Court ruled were not actionable or were otherwise dismissed in the February 12 order. Because the second amended complaint has sufficiently complied with the Court's prior order herein, this order finds good cause to allow plaintiffs' amendment. Plaintiffs' motion, therefore, is **GRANTED**.

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Plaintiffs shall file the second amended complaint within **FIVE CALENDAR DAYS** of this order. Defendants shall file an answer within **TWENTY CALENDAR DAYS** of the filing of the second amended complaint.

Finding no oral argument necessary, the hearing scheduled for April 9, 2009 on this motion is hereby **VACATED**.

**IT IS SO ORDERED.**

Dated: March 26, 2009



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE