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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 FREDERICK JACKSON, ASHLEY NICOLE
11 JACKSON, a minor, BRIANA FREDRANIQUE
ANNETTE JACKSON, a minor, and SHAWN
12 YVETTE MARTIN,

13 Plaintiffs,

14 v.

15 CITY OF PITTSBURG, AARON L. BAKER,
individually and in his official capacity as Chief of
16 Police of the City of Pittsburg Police Department,
G. LOMBARDI, individually and as an officer of the
17 City of Pittsburg Police Department (Badge # 275),
C. SMITH, individually and as an officer of the City
18 of Pittsburg Police Department (Badge # 285),
P. DUMPA, individually and as an officer of
19 the City of Pittsburg Police Department (Bade # 291),
WILLIAM BLAKE HATCHER, individually and as
20 an officer of the City of Pittsburg Police Department
(Badge # 274), and DOES 1–100, inclusive,

21 Defendants.
22 _____/

No. C 09-01016 WHA

**ORDER GRANTING
MOTION TO FILE
SECOND AMENDED
COMPLAINT**

23 In this civil rights action, plaintiffs move for leave to file a second amended complaint.
24 Plaintiffs' first amended complaint, the extant pleading, contains twelve claims against five
25 police officers, the chief of police of the City of Pittsburg Police Department, and the City of
26 Pittsburg. Defendants moved for summary judgment which was granted in part and denied in
27 part in an order filed on June 8, 2010. Nine of plaintiffs' twelve claims survived, including
28 battery and false imprisonment. Prior to the June 8 order, but after defendants had moved for


1 summary judgment, plaintiffs noticed the instant motion for leave to file a second amended
2 complaint.

3 Plaintiffs' proposed second amended complaint does not attempt to add any new claims
4 or parties, and includes all of the same allegations that were set out in the original complaint.
5 According to a declaration filed by plaintiff's counsel, Panos Lagos, the second amended
6 complaint seeks only to correct the "benign negligence" of Attorney Lagos, who omitted
7 plaintiff Ashley Jackson from the battery and false imprisonment claims originally pled.
8 Defendants stipulated to the filing of the second amended complaint and asked that the answer
9 to the first amended complaint be deemed the answer to the second amended complaint. At the
10 pretrial conference held on July 7, 2010, the undersigned granted plaintiffs' motion to amend
11 and indicated that the amendment would be incorporated into the final pretrial order.

12 The motion to file a second amended complaint is **GRANTED** and the current answer will
13 be deemed the answer thereto. The incorporation of the proposed second amended complaint
14 into the final pretrial order shall not be construed as permitting the reassertion of any claims
15 that have been dropped or dismissed since the proposed second amended complaint was written.
16 No further motions for summary judgment regarding the second amended complaint will be
17 permitted. Since the proposed second amended complaint will be incorporated into the final
18 pretrial order, it need not be filed separately.

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20 **IT IS SO ORDERED.**

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22 Dated: July 8, 2010.

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25 WILLIAM ALSUP
26 UNITED STATES DISTRICT JUDGE
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