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

THE ESTATE OF JERRY A. AMARO III,  
GERALDINE MONTOYA, and  
STEPHANIE MONTOYA,

No. C 09-01019 WHA

Plaintiffs,

v.

**ORDER RE  
PLAINTIFFS'  
REQUEST  
TO REOPEN  
DISCOVERY**


CITY OF OAKLAND, RICHARD WORD,  
EDWARD POULSON, R. HOLMGREN, S.  
NOWAK, M. BATTLE, E. KARSSEBOOM,  
C. BUNN, M. PATTERSON, individually  
and in their capacities as members of the City  
of Oakland Police Department, and DOES  
1-100, inclusive,

Defendants.

On May 9, plaintiffs' counsel filed a letter "urgently requesting that the Court exercise its discretion to reopen discovery so that the Plaintiffs may obtain discovery of a *new* City of Oakland Police Department Internal Affairs Investigation relating to the subject matter of this action" (Dkt. No. 116). The record for the interlocutory appeal already has been determined. The Court cannot see how any discovery acquired after the ruling being appealed would be of any benefit to either side on appeal. Accordingly, the request is **DENIED**. If the ruling is affirmed, then the Court might reopen discovery at that juncture after hearing both sides' positions.

**IT IS SO ORDERED.**

Dated: May 9, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California