

1 ****E-filed 5/6/11****

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7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN FRANCISCO DIVISION

10 ESPANOLA JACKSON, et al.,

No. C 09-2143 RS

11 Plaintiffs,

12 v.

**ORDER RE MOTION FOR LEAVE
TO FILE SUPPLEMENTAL
COMPLAINT**

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14 CITY AND COUNTY OF SAN
FRANCISCO, et al.,

15 Defendants.

16 _____/

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18 Plaintiffs have filed a motion seeking leave to file a supplemental complaint to address

19 recent amendments to the San Francisco Police Code that affect their claim under section 1290. As

20 discussed at the hearing on the motion to dismiss, while it appears that it would be procedurally

21 correct for plaintiffs to proceed by way of a supplemental complaint, in this instance it would be

22 more efficient, and also procedurally acceptable, to address the amended ordinances in any amended

23 complaint that may be permitted when the motion to dismiss is resolved. Accordingly, in the event

24 the Court concludes that defendants' challenge to plaintiffs' standing do not warrant dismissal of the

25 entire complaint without leave to amend, it will dismiss the existing claim under section 1290, and

26 provide plaintiffs an opportunity to amend to state their claims regarding sections 4502 and 4506.

27 The deadline for filing an amended complaint, if allowed, will be set in the order on the pending

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1 motion to dismiss. Plaintiffs' motion for leave to file a supplemental complaint is therefore denied
2 as unnecessary, and the hearing set for June 9, 2011, is vacated.

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4 IT IS SO ORDERED.

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7 Dated: 5/6/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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