

United States District Court
For the Northern District of California

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

MARK OTTOVICH,

Plaintiff,

v.

CITY OF FREMONT, et al.,

Defendants

No. C 09-4181 MMC

ORDER GRANTING DEFENDANT CITY OF FREMONT'S MOTION TO DISMISS; GRANTING LEAVE TO AMEND SIXTH CAUSE OF ACTION TO NAME DEFENDANT(S); CONTINUING CASE MANAGEMENT CONFERENCE

Defendant City of Fremont's motion to dismiss the first amended complaint of plaintiff Mark Ottovich came on regularly for hearing on December 18, 2009. Craig H. Mar appeared on behalf of plaintiff Mark Ottovich and Gregory M. Fox appeared on behalf of defendant City of Fremont.

The Court, having considered the papers and pleadings on file herein and the oral argument of counsel, and for the reasons stated on the record at the hearing, HEREBY ORDERS THAT:

Defendant City of Fremont's motion to dismiss plaintiff's First Amended Complaint, to the extent such complaint is alleged as against said defendant, is GRANTED with prejudice and without leave to amend, for the reason that plaintiff's First through Fifth Causes of Action are, in each instance, barred by the applicable statute of limitations.

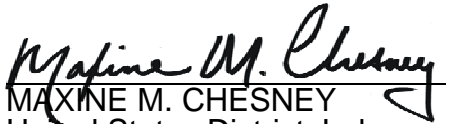
Plaintiff's request for leave to amend the Sixth Cause of Action to name one or more

1 defendants thereto is hereby GRANTED. Plaintiff's Second Amended Complaint, if any,
2 shall be filed on or before January 8, 2010.

3 The Case Management Conference is CONTINUED to April 30, 2010 at 10:30 a.m.
4 A Joint Case Management Statement shall be filed no later than April 23, 2010.

5 **IT IS SO ORDERED.**

6 Dated: December 18, 2009

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8 MAXINE M. CHESNEY
9 United States District Judge

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