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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AHMIK HOPKINS MINTER ARI, et al.,
Plaintiffs,
v.
MARK EDWARD GALIOS,
Defendant.

Case No. [12-cv-02905-JSC](#)

THIRD PRETRIAL ORDER; ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT

Re: Dkt. No. 113

Following the final pretrial conference held on April 3, 2014, the Court orders as follows:

Plaintiffs shall notify Defendant by **Tuesday, April 8, 2014** as to whether Plaintiffs will be seeking economic damages. Also, in the event Akinlabi Minter’s incarceration history becomes relevant and admissible, Plaintiffs shall confer with Defendant in advance of trial regarding a stipulation about that history.

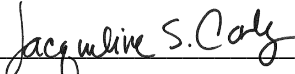
Plaintiffs shall also notify Defendant by **Friday, April 11, 2014 at noon** as to which witnesses Plaintiffs intend to call during the first two days of trial.

Finally, Defendant’s supplemental motion for partial summary judgment is GRANTED in part and DENIED in part. Because the Court concludes and Plaintiffs do not dispute that the “purpose to harm” standard applies to their Fourteenth Amendment claim, *see Porter v. Osborn*, 546 F.3d 1131, 1137 (9th Cir. 2008), the Court GRANTS Defendant’s motion on the issue of the applicable standard. The motion is otherwise denied without prejudice since a reasonable jury could find, based on the previous summary judgment record, that Defendant shot Minter with a purpose to harm unrelated to a legitimate law-enforcement objective. *See A.D. v. Cal. Highway Patrol*, 712 F.3d 446 (9th Cir. 2013).

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IT IS SO ORDERED.

Dated: April 4, 2014



JACQUELINE SCOTT CORLEY
United States Magistrate Judge