

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

LYNETTE FRARY, Individually and as
Administrator of the Estate of Anthony Brandon
Carmignani, Deceased, JAMIE BALL, as
Natural Guardian of Amaya Carmignani, a
minor, and HEATHER HOWARD,

No. C 12-3928 MEJ

**ORDER RE: MOTION TO FILE
MOTION FOR RECONSIDERATION**

(Docket No. 26)

Plaintiffs,

vs.

COUNTY OF MARIN; CITY OF NOVATO;
SHERIFF ROBERT T. DOYLE, CHIEF
JOSEPH KREINS, DEPUTY RACHEL
HAMMER, OFFICER THOMAS
MACKENZIE, OFFICER MICHAEL DUNN,
OFFICER STEPHANIE COMMISTO, and
DOES 1 to 50, Inclusive,

Defendants.

On December 13, 2012, the Court granted in part and denied in part the Defendants' motions to dismiss. Dkt. No. 25. Plaintiffs have now filed a Motion for Leave to File a Motion for Reconsideration, stating that they wish to seek reconsideration of the Court's holding to the extent it denies them leave to amend the Sixth and Seventh Causes of Action to state claims against the City of Novato only. Dkt. No. 26. The Court hereby ORDERS Defendant City of Novato to file any response by December 27, 2012. Defendant's response should not focus on the merits of any such claim, but rather specifically on whether Plaintiffs are permitted to bring such a claim. If Defendant agrees that Plaintiffs should be permitted leave to amend as requested, it should so state. Pending resolution of this issue, the January 3, 2013 deadline to file an amended complaint is stayed.

IT IS SO ORDERED.

Dated: December 21, 2012



MARIA-ELENA JAMES
United States Magistrate Judge