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11 Attorneys for Defendant
12 CITY OF RICHMOND

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 MONICA RIVERA,

16 Plaintiff,

17 vs.

18 CITY OF RICHMOND, RITZIE
19 TOLENTINO (#163), AMIT NATH
20 (#105), and DOES 1 to 10, inclusive

21 Defendants.

Case No. 12-CV-5750 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER FOR FILING OF FIRST
AMENDED COMPLAINT
[FED. R. CIV. P. 15(A)(2)]**

22 WHEREAS Defendant City of Richmond filed a motion to dismiss the complaint on
23 December 10, 2012; and

24 WHEREAS Plaintiff Monica Rivera filed an opposition to the motion to dismiss on
25 December 21, 2012; and

26 WHEREAS the undersigned Parties, being all Parties who have appeared in the action,
27 agree that the motion to dismiss may be withdrawn without prejudice and that Plaintiff may file a
28 First Amended Complaint; Therefore

The Parties STIPULATE and AGREE as follows:

1. Pursuant to Fed. R. Civ. P. 15(a)(2), plaintiff may file a First Amended Complaint
by January 18, 2013.

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1 2. The Motion to Dismiss the Complaint set for hearing on January 15, 2013 shall be
2 taken off calendar without prejudice to Defendant's right to renounce the motion in the event that
3 no amended complaint is filed.

4 3. Defendant reserves its right to respond to the First Amended Complaint by motion
5 or answer.

6 STIPULATED and AGREED:

7 Dated: November 28, 2012

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9 By: /s/ David B. Newdorf

10 DAVID B. NEWDORF

11 Attorneys for Defendant

CITY OF RICHMOND

12 KESSLER LAW FIRM

14 By: /s/ Darren J. Kessler

15 DARREN J. KESSLER

16 Attorneys for Plaintiff

MONICA RIVERA

17 **ORDER**

18 Pursuant to Stipulation, it is ORDERED that:

- 19 1. Plaintiff may file a First Amended Complaint by (and including) January 18, 2013;
- 20 2. The Motion to Dismiss the Complaint set for hearing on January 15, 2013 is taken
21 off calendar without prejudice to Defendant's right to renounce the motion in the event that no
22 amended complaint is filed.

23 IT IS SO ORDERED.

24 Dated: December 31, 2012

26 
27 HOJ. ELIZABETH D. LAPORTE
28 U.S. Magistrate Judge