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Attorneys for Plaintiffs
LILAY INC., KEBRON DANIEL, and PEARL MICHELLE MOYA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

KEBRON DANIEL, LILAY INC., and)
PEARL MICHELLE MOYA)
)
Plaintiffs,)
vs.)
)
CITY OF ANTIOCH, a municipal)
corporation, ANTIOCH POLICE)
OFFICERS Devany Dee, Individually, Rick)
Smith, Individually, John Fortner,)
Individually, and Nahleen Clonger,)
Individually, and DOES 1 THROUGH 30,)
Jointly and Severally,)
)
Defendants.)

Case No. CV 13-01084 MMC
[PROPOSED] ORDER, VACATING
HEARING ON DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT,
GRANTING LEAVE FOR THE FILING
OF A SECOND AMENDED
COMPLAINT, AND CONTINUING
CASE MANAGEMENT CONFERENCE ;
DEEMING DEFENDANTS' MOTION TO
DISMISS WITHDRAWN, WITHOUT
PREJUDICE

Having considered the parties' Stipulated Request, and good cause appearing therefor,
IT IS HEREBY ORDERED that the stipulated request is GRANTED.

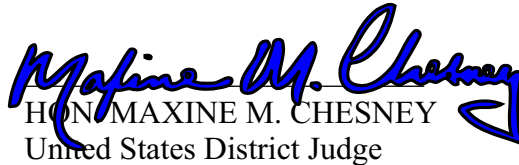
The hearing on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint,
currently set for **July 26, 2013, at 9:00 a.m.**, is VACATED; leave is granted to Plaintiffs to file a

1 Second Amended Complaint by **August 1, 2013**, with a responsive pleading by Defendants due
2 21-days thereafter; and, the Case Management Conference (“CMC”), currently set for **July 19,**
3 **2013**, is continued to **September 13, 2013**, at 10:30 a.m., in Courtroom No. 7, on the 19th Floor
4 of the San Francisco division of the U.S. District Court, Northern District. A Joint Case
5 Management Conference Statement shall be filed by the parties on or before September 6, 2013,
6 one week before the September 13, 2013 CMC. A schedule for Federal Rules of Civil Procedure,
7 Rule 26(a)(1) disclosures will be discussed and set at the September 13, 2013 Case Management
8 Conference.

9 **IT IS FURTHER ORDERED** that defendants' motion to dismiss is deemed withdrawn,
10 without prejudice to refiling in the event plaintiffs do not file a Second Amended Complaint.

11 **IT IS SO ORDERED.**

12 DATED: July 11, 2013

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HON. MAXINE M. CHESNEY
United States District Judge