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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS A. SPITZER, et al.,  
Plaintiffs,  
v.  
TRISHA A. ALJOE, et al.,  
Defendants.

Case No. [13-cv-05442-MEJ](#)

**ORDER IN PREPARATION FOR GOOD  
FAITH SETTLEMENT HEARING**

Re: Dkt. Nos. 135, 136

On August 7, 2015, Plaintiffs Thomas “Leroy” Spitzer and Craig Spitzer (“Plaintiffs”) and Defendants City of Pleasanton, Trisha Aljoe, Jonathan Lowell, George Thomas, Walter Wickboldt, Officer Ryan Tujague, and Robert Leong (“City Defendants”) engaged in court-ordered mediation, which resulted in a settlement agreement. Dkt. No. 135 at 5. Pending before the Court is the City Defendants’ Application for a Good Faith Settlement Determination pursuant to California Civil Code sections 877 and 877.6. Dkt. No. 136. A hearing on the matter is set for October 8, 2015. Dkt. No. 135.

On September 12, 2015, Plaintiffs filed a Motion for Leave to File a Motion for Reconsideration with respect to the Court’s Order denying Plaintiffs’ Motion for Leave to File a Third Amended Complaint, or in the alternative for Leave to File a Motion for Leave to Amend. Dkt. No. 139. Specifically, Plaintiffs seek to re-assert claims against a former Defendant, J. Benjamin McGrew, whom the Court previously dismissed. *Id.*; see Dkt. No. 44 (Order re: Mot. to Dismiss McGrew). The Court recently granted that Motion in part, permitting Plaintiffs Leave to File a Motion to Amend their Complaint, on the basis that Plaintiffs may possess facts establishing a viable claim against McGrew. Dkt. No. 145. The Court ordered Plaintiffs to file their motion by October 29, 2015. *Id.*

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Given the Court’s decision to allow Plaintiffs to file a motion to amend, and the potential that McGrew may re-enter these proceedings, the Court ORDERS as follows:

(1) The City Defendants shall be prepared to discuss at the hearing the potential impact of McGrew’s re-entry to this case on their Application for a Good Faith Settlement Determination, paying particular importance to the proportionality factor.

(2) As McGrew may also be affected by the City Defendants’ Good Faith Settlement Determination, McGrew shall attend the hearing **on October 8, 2015** at 10:00 a.m. in Courtroom B, located on the 15th floor of 450 Golden Gate Avenue in San Francisco, California, and be prepared to meaningfully discuss the City Defendants’ Application.

**IT IS SO ORDERED.**

Dated: October 1, 2015

  
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MARIA-ELENA JAMES  
United States Magistrate Judge