

1 JOHN L. BURRIS, Esq./ State Bar #69888
2 BENJAMIN NISENBAUM, Esq./State Bar #222173
3 LAW OFFICES OF JOHN L. BURRIS
4 Airport Corporate Centre
5 7677 Oakport Street, Suite 1120
6 Oakland, California 94621
7 Telephone: (510) 839-5200
8 Facsimile: (510) 839-3882

9 Attorneys for Plaintiff
10 DARRELL CURRY

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 DARRELL CURRY,

14 Plaintiff,

15 vs.

16 CITY OF OAKLAND, a municipal corporation;
17 et al.

18 Defendants.

Case No. C 08 03695 SBA

**STIPULATION AND ORDER FOR LEAVE
TO FILE SECOND AMENDED
COMPLAINT**

19
20
21 **STIPULATION**

22 WHEREAS, the Court previously granted Plaintiff's counsel leave to file an Amended
23 Complaint to name the individual Defendant Officers in the above-noted matter; and,

24 WHEREAS Plaintiff timely filed a First Amended Complaint naming two individual
25 Defendant Officers in the above-noted matter; and,

26 WHEREAS Plaintiff erroneously identified one officer named in the First Amended
27 Complaint as "S. VALLE," and should have named this Defendant Officer as "M. VALLE"; and,
28

1 WHEREAS neither Defendant S. BARRE nor the erroneously identified Defendant S.
2 VALLE have answered the First Amended Complaint.

3 The parties hereby stipulate that Plaintiff shall file a Second Amended Complaint, amended to
4 reflect Defendant Officer M. VALLE as a Defendant Officer, and dismissing with prejudice S.
5 VALLE as a named Defendant Officer.

6
7 Respectfully Submitted,

8
9 Dated: May 5, 2009

10 /s/ Benjamin Nisenbaum
11 Benjamin Nisenbaum
12 Attorneys for Plaintiff
13 Darrell Curry

14
15 Dated: May 12, 2009

16 /s/ Arlene M. Rosen
17 Arlene M. Rosen
18 Attorney for Defendants
19 City of Oakland, et al.

20
21
22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 Dated: 5/21/09

26 
27 _____
28 Honorable Sandra Brown Armstrong