

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

JOSE BERMUDEZ,

Plaintiff,

v.

CITY OF BERKELEY; OFFICER R. ROE # 81
in his capacity as an individual; OFFICER M.B.
MEREDITH # 102 in his capacity as an
individual; FORMER CHIEF OF POLICE
DOUGLAS N. HAMBLETON in his official
capacity and in his capacity as an individual;
and DOES 1-99 in their official capacities
and/or in their capacities as individuals,

Defendants.

Case No.: C10-02893 CW

ORDER

**DISMISSING CLAIMS AGAINST
DEFENDANT MEREDITH [Fed. R.
Civ. P. 41(a)];**

**GRANTING LEAVE TO FILE AN AMENDED
COMPLAINT [Fed R. Civ. P. 15(a)(2)];**

**VACATING PREVIOUS CASE
MANAGEMENT ORDER;**

RESCINDING ADR DEADLINES; and

**SETTING DATE OF CASE MANAGEMENT
CONFERENCE**

PURSUANT TO STIPULATION by the Parties to this action, the Court hereby ORDERS
as follows:

- (1) All causes of action against Defendant Officer M.B. Meredith are hereby
DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(a).
- (2) Plaintiff may file an Amended Complaint naming additional defendants and
asserting additional causes of action against those defendants, pursuant to Fed.
R. Civ. P. 15(a)(2). Plaintiff shall file his Amended Complaint no later than
December 20, 2010 and serve copies on the additional
defendants named therein within 7 days thereafter, together with a summons
unless service is waived, or show good cause why service could not be effected
in that time.

~~[PROPOSED]~~ ORDER RE: DISMISSAL OF CLAIMS; AMENDED COMPLAINT;
VACATION OF CASE MANAGEMENT ORDER; and SECOND CMC

Case No. C10-02893 CW

1 (3) Defendants CITY OF BERKELEY, ROE, AND HAMBLETON, having waived
2 notice and service of the Amended Complaint, are not required to file an Answer
3 thereto. All denials, responses, and affirmative defenses contained in their
4 Answers to the original Complaint are deemed responsive to the Amended
5 Complaint.

6 (4) OFFICER JOHN JONES, named in the Amended Complaint as a new defendant,
7 may, if he so chooses, waive notice of suit and service of the Amended
8 Complaint. If Defendant JONES waives notice and service, he may respond to
9 the Amended Complaint by joining the Answer of Defendants CITY OF
10 BERKELEY, ROE, and HAMBLETON to the original Complaint and shall not be
11 required to file a separate responsive pleading.

12 (5) The Court's Case Management Order dated October 12, 2010 is hereby
13 VACATED.

14 (6) The ADR requirements and deadlines set forth by the Court in that Order are
15 hereby RESCINDED.

16 (7) A Case Management Conference is hereby ORDERED to be held on
17 1/25/2011 at 2:00 p.m. in Courtroom 2, Oakland.

18 All Parties to the action are ORDERED to appear.

19 (8) The Parties are to meet and confer in preparation for the said Case Management
20 Conference no later than 1/11/2011. Each Party shall file
21 (i) an ADR Certification and (ii) either a Stipulation to ADR Process or a Notice of
22 Need for ADR Phone Conference on or before the same date (all forms are
23 available at <http://www.cand.uscourts.gov>).

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1 (9) The Parties shall file a Joint Case Management Statement on or before
2 1/18/2011. The Statement shall comply with the
3 requirements of a Rule 26(f) Report and with the Standing Order for All Judges of
4 the Northern District of California re: Contents of Joint Management Statement, a
5 copy of which is to be served by Plaintiff on Defendants (also available at
6 <http://www.cand.uscourts.gov>).

7 (10) The Parties shall complete their initial disclosures before filing their Rule 26(f)
8 Report or state their objection therein.

9 (11) Plaintiff shall serve a copy of this Order on Defendants along with the Amended
10 Complaint, Summons, and other documents required by Local Rule 4-2 of this
11 Court.

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13 Date: 12/16/2010

IT IS SO ORDERED.

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17 Claudia Wilken
District Judge