

1 JOHN L. BURRIS, Esq./ State Bar # 69888
 2 LAW OFFICES OF JOHN L. BURRIS
 3 7677 Oakport Street, Suite 1120
 4 Oakland, CA 94621
 5 Telephone: (510) 839-5200
 6 Facsimile: (510) 839-3882
 7 E-Mail: john.burris@johnburrislaw.com

8 GAYLA B. LIBET, Esq./ State Bar # 109173
 9 LAW OFFICES OF GAYLA B. LIBET
 10 486 41st Street, # 3
 11 Oakland, CA 94609
 12 Telephone and Facsimile: (510) 420-0324
 13 E-Mail: glibet@sbcglobal.net

14 Attorneys for Plaintiff

15 JOHN F. FLEGEL, Esq./ State Bar # 57010
 16 NICOLAS A. FLEGEL, Esq./ State Bar # 229360
 17 JORGENSON, SIEGEL, McCLURE & FLEGEL, LLP
 18 1100 Alma Street, Suite 210
 19 Menlo Park, CA 94025
 20 Telephone: (650) 324-9300
 21 Facsimile: (650) 324-0227
 22 E-Mail: jlf@jsmf.com; naf@jsmf.com

23 Attorneys for Defendants

24 UNITED STATES DISTRICT COURT
 25 NORTHERN DISTRICT OF CALIFORNIA

<p>26 CHESTER MILLER and BETTY MILLER, 27 28 Plaintiffs, vs. CITY OF MENLO PARK, a governmental entity; RAY SAMUELS, in his capacity as Interim Chief of Police for CITY OF MENLO PARK; JEREMY FOY and DOES 1-25, individually, and in their capacity as police officers for CITY OF MENLO PARK, Defendants.</p>	<p>No. C-11-00543-CW</p> <p>STIPULATION AND (PROPOSED) ORDER FOR LEAVE TO FILE FIRST AMENDED COMPLAINT</p>
--	--

1 **STIPULATION**

2 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
3 above-entitled action, by and through their respective counsel, as follows:

4 1. Plaintiffs shall amend their original Complaint in this action to name defendants in
5 substitution for defendant DOES, as follows:

6 A. In substitution for defendant DOE 1: CRISTELA SOLORZANO;

7 B. In substitution for defendant DOE 2: MATTHEW ORTEGA;

8 C. In substitution for defendant DOE 3: RON VENZON; and,

9 D. In substitution for defendant DOE 4: SCOTT MACKDANZ;

10 2. By entering into this Stipulation, defendants do not waive any defenses that they have to
11 the claims in the Complaint, and do not admit any allegations in the Complaint. Moreover, by
12 entering into this Stipulation, defendants do not admit that any of the individual officers to be
13 named as defendants engaged in any of the conduct attributed to them in the Complaint;

14 3. Plaintiffs attach hereto their proposed First Amended Complaint as **Exhibit 1**. This First
15 Amended Complaint has been reviewed and approved by defense counsel; and,

16 4. That as soon as the Court issues the Order approving this Stipulation, and the parties are
17 notified by E-mail from the Court, plaintiffs may then personally file and E-file the First
18 Amended Summons and First Amended Complaint, that same day, or the next day, even if such
19 date is after July 5, 2011, which is the Court’s designated last date to add new parties to this
20 action.
21
22
23
24

25 ///

26 ///

27 ///

28 _____ 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

LAW OFFICES OF GAYLA B. LIBET

Dated: July 5, 2011

By: /s/ Gayla B. Libet
GAYLA B. LIBET, Esq.
Attorneys for Plaintiffs

LAW OFFICES OF JOHN L. BURRIS

Dated: July 5, 2011

By: /s/ John L. Burris
JOHN L. BURRIS, Esq.
Attorneys for Plaintiffs

JORGENSON, SIEGEL, McCLURE & FLEGEL,
LLP

Dated: July 5, 2011

By: /s/ Nicolas A. Flegel
NICOLAS A. FLEGEL, Esq.
Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/7/2011



HONORABLE CLAUDIA WILKEN
United States District Court Judge