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

**SAMANDA DORGER, GABRIELLE POCCIA,**  
  
**Plaintiffs,**  
  
**vs.**  
  
**CITY OF NAPA, NAPA POLICE CHIEF  
RICHARD MELTON, OFFICER BRAD BAKER,  
OFFICER NICK DALESSI,**  
  
**Defendants.**

Case No.: C-12-440 YGR

**ORDER ENTERING TENTATIVE RULING ON  
MOTION TO DISMISS AS ORDER OF COURT**

United States District Court  
Northern District of California

Pursuant to the parties’ stipulation (Dkt. No. 29, “the Stipulation”), the Court’s Notice of Tentative Ruling On Motion to Dismiss, Dkt. No. 28 (“Tentative Ruling”), shall be the Order of the Court, with the additional provision pursuant to the Stipulation, as follows:

Chief Richard Melton is dismissed without prejudice. The parties will proceed with discovery, and plaintiff may seek to amend the complaint to add him as a defendant should discovery warrant such an amendment. Should the Court grant that motion, such amendment will relate back to the timing of the original complaint.

Accordingly, for the reasons set forth in the Tentative Ruling, Defendants’ Motion to Dismiss, Dkt. No. 17, is **GRANTED WITH LEAVE TO AMEND** consistent with the Tentative Ruling and the

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Stipulation. Plaintiffs shall file and serve an amended complaint no later than June 5, 2012.


Defendants shall file and serve a response within 21 days of receipt of the amended complaint.

The May 15, 2012 hearing on the motion is **VACATED**.

This Order Terminates Docket Number 17.

**IT IS SO ORDERED.**

Date: May 14, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE