

1 M. Jeffery Kallis, SBN 190028  
 2 THE LAW FIRM OF ICALLIS & ASSOCIATES, P.C.  
 3 333 W. San Carlos St., 8<sup>th</sup> Floor  
 4 San Jose, CA 95110  
 5 Telephone: (408) 971-4655  
 6 Facsimile: (408) 971-4644  
 7 M J Kallis@[Kallislaw.org](mailto:Kallislaw.org)  
 8 Jeff\_Kallis@Kallislaw.com

9 Steven M. Berki, SBN 245426  
 10 BUSTAMANTE, GAGLIASSO, P.C.  
 11 333 W. San Carlos St., 8<sup>th</sup> Floor  
 12 San Jose, California 95110  
 13 Telephone: (408) 977-1911  
 14 Facsimile: (408) 977-0746  
 15 [SBerki@boglawyers.com](mailto:SBerki@boglawyers.com)

16 Attorneys for Plaintiffs  
 17 MS. Mary Lou Gonzales

18 **UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF**  
 19 **CALIFORNIA**

20 OAKLAND DIVISION

21 **Mary Lou Gonzales;** ]  
 22 ]  
 23 Plaintiffs, ]

24 VS. ]

25 **CITY OF SAN JOSE**, as a municipal ]  
 26 corporation; prior **SAN JOSE POLICE** ]  
 27 **CHIEF CHRIS MOORE**, individually and ]  
 28 in his official capacity; **SJPD DETECTIVE** ]  
**YVONNE DELACRUZ** in her official ]  
 and individual capacity; **SJPD SGT** ]  
**MATHEW ARCHER** in his official and ]  
 individual capacity; **SJPD Homicide** ]  
**Detective JAIME JIMENEZ** in his ]  
 individual and official capacity; **SJPD** ]  
**Officers Ruben Sanchez (doe 1);** ]  
**Casey Higgins (doe 2); Stephen Fries** ]  
**(doe 3); Michael Pifferini (doe 4)** in ]  
 their individual and official capacities; ]  
 SJPD Officers and Detectives and ]  
 SJPD employees **Doe 5-50** in their ]  
 Individual and Official Capacities, ]

Defendants ]

CASE NUMBER # 4:13 CV 00695 PJH

STIPULATION AND ORDER TO ALLOW THE FILING OF  
 A 2<sup>ND</sup> AMENDED COMPLAINT:

DEMAND FOR JURY TRIAL

1 Whereas, the names of 4 defendants (Officers Ruben Sanchez ,Casey Higgins Stephen Fries,;  
2 Michael Pifferini) were not known by plaintiff prior to submitting the 1<sup>st</sup> Amended Complaint, and were  
3 thus not included in the 1<sup>st</sup> Amended Complaint;

4 Whereas. The names of Doe1 through Doe 4[Officers Ruben Sanchez (doe 1); Casey Higgins (doe  
5 2); Stephen Fries (doe 3); Michael Pifferini (doe 4) ] are now known to Plaintiff;

6 Whereas, judicial economy will be promoted by not having the plaintiff file a Motion For Leave To  
7 Amend;

8 Whereas, the parties will save significant resources by not having to file a Motion For Leave To  
9 Amend or the opposition and reply briefs;

10 It is hereby stipulated that the Defendant does not object to the Plaintiff filing a 2<sup>nd</sup> Amended  
11 Complaint;

12 And that the Defendant will accept service of summons and the 2<sup>nd</sup> Amended Complaint on  
13 behalf of Officers Casey Higgins, Stephen Fries, Rubin Sanchez who are now substituted for Does 1  
14 through 3. The defendant will not accept service of summons and the 2<sup>nd</sup> Amended Complaint on behalf  
15 of Michael Pifferini who is now substituted as Doe 4.

16 May 29, 2013

The Law Firm of *KALLIS* & Associates p.c.

\_\_\_\_\_/s/\_\_\_\_\_  
M. Jeffery Kallis, Co-counsel for Plaintiff

19 May 29, 2013

Bustamante & Gagliasso PC

\_\_\_\_\_/s/\_\_\_\_\_  
Steven M. Berki, Co-counsel for Plaintiff

21 May 29, 2013

City Attorney's Office San Jose California

\_\_\_\_\_/s/\_\_\_\_\_  
Randolph Hom, Senior Deputy City Attorney

24 Good Cause showing the Court here so Orders that the Plaintiff be allowed to file a 2<sup>nd</sup> Amended  
25 Complaint.

26 Dated: 5/30/13

27 \_\_\_\_\_  
The Honorable Phyllis J. Hamilton District Court Judge

