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**United States District Court**  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRED HAMPTON JR., ET AL.,  
Plaintiff(s),  
v.  
CITY OF OAKLAND, ET AL.,  
Defendant(s).

No. C-13-03094 DMR

**ORDER RE FURTHER BRIEFING RE  
CITY OF OAKLAND’S MOTION FOR  
SUMMARY JUDGMENT**

Having considered Defendant City of Oakland’s (“Oakland”) motion for summary judgment (Docket No. 66) and oral argument of counsel at the hearing held on October 9, 2014, the court has determined that further briefing is necessary regarding Plaintiffs Hampton and Lamar’s claims for false imprisonment against Oakland. Specifically, Hampton and Lamar seek to hold Oakland liable for false imprisonment based on a theory of vicarious liability for the actions of Oakland police officers Carter and Ko. The court must consider whether a reasonable jury could find that Hampton and Lamar’s detention ripened into an arrest, requiring probable cause, and if so, the court must analyze the facts that supported probable cause. Counsel for Oakland confirmed that the probable cause analysis for Oakland rests on the exact same facts as those presented by Defendant City of Emeryville (“Emeryville”). However, if the detention was an investigatory stop and not an arrest, the court must determine whether a reasonable jury could find that the stop was not supported by reasonable suspicion. Oakland and Plaintiffs did not explain which set of facts the court may

1 consider in evaluating Oakland's reasonable suspicion for the stop, and whether there are any facts  
2 relied upon by Emeryville that the court may not consider for purposes of Oakland's liability.

3 Therefore, by no later than **October 15, 2014**, Oakland shall file a brief that does not exceed  
4 five pages addressing this issue, along with any supporting evidence. Plaintiffs' response shall not  
5 exceed five pages and shall be filed by **October 20, 2014**, along with any supporting evidence.  
6 Oakland may file a reply that does not exceed two pages by **October 22, 2014**.

7  
8 IT IS SO ORDERED.

9  
10 Dated: October 9, 2014

