

1 Joseph S. May SBN 245924  
 LAW OFFICE OF JOSEPH S. MAY  
 2 22 Battery Street, Suite 810  
 San Francisco, CA 94111  
 3 Telephone (415) 781-3333  
 Facsimile (415) 398-1410  
 4 joseph@josephmaylaw.com  
 5 Attorney for Plaintiff  
 RAMON OBAS  
 6  
 7

8 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN JOSE DIVISION

10 RAMON OBAS,  
 11 Plaintiff,  
 12 v.  
 13 COUNTY OF MONTEREY; CONAN  
 14 HICKEY; CHARLES R. WEST; RICHARD  
 RODRIGUEZ; JOHN JEFFERSON;  
 15 MICHAEL MUSCUTT; and DOES 1-50,  
 inclusive.  
 16 Defendants.

CASE NO.: C 09-5540-LHK  
**STIPULATION AND [PROPOSED]  
 ORDER GRANTING LEAVE TO FILE  
 SECOND AMENDED COMPLAINT**  
 Action filed: November 23, 2009  
 Trial date: July 18, 2011

17 **STIPULATION**

18 Plaintiff RAMON OBAS, through counsel, and Defendants COUNTY OF MONTEREY  
 19 and HICKEY, (hereafter collectively referred to as the "Parties") hereby stipulate as follows:

20 1. The case involves claims by Plaintiff that law enforcement officers caused and/or  
 21 exacerbated injuries to his lower extremities during the course of his arrest on the night of  
 22 October 23, 2008 and/or morning of October 24, 2008.

23 2. Plaintiff named several defendants in his first amended complaint because he did not  
 24 know the identities of the responsible law enforcement officers. Through discovery in this  
 25 matter, Plaintiff learned that one of the law enforcement officers who required Plaintiff to walk,  
 26 with assistance, to a police car on the night of the subject incident was Monterey County  
 27 Sheriff's Office Deputy Bryan Hoskins.  
 28

1 3. Plaintiff alleged in his Complaint and First Amended Complaint that law enforcement  
2 officers at the scene of the subject incident were liable for, inter alia, negligently causing  
3 Plaintiff to jump from the second story balcony of an apartment building. Plaintiff has agreed to  
4 dismiss the portion of his claims that seek to assign liability to any law enforcement officer or  
5 other defendant for causing Plaintiff to jump from the balcony.

6 4. The Parties hereby stipulate to Plaintiff's filing of a Second Amended Complaint, a  
7 copy of which is attached as Exhibit A hereto, which would add Deputy Bryan Hoskins as a  
8 Defendant and remove the claim that any law enforcement officer or other defendant should be  
9 held liable for negligently causing Plaintiff to jump from the balcony on the night of the subject  
10 incident.

11 **So stipulated.**

12 Dated: November 3, 2010

LAW OFFICE OF JOSEPH S. MAY

13  
14 \_\_\_\_\_/s/  
15 JOSEPH S. MAY, Attorney for Plaintiff,  
RAMON OBAS

16 **So stipulated.**

17 Dated: November 3, 2010

OFFICE OF THE COUNTY COUNSEL,  
COUNTY OF MONTEREY

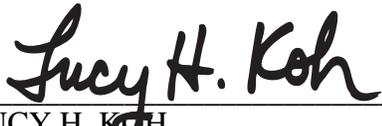
18  
19 \_\_\_\_\_/s/  
20 By: WILLIAM M. LITT, Attorney for Defendants  
COUNTY OF MONTEREY and HICKEY

21 **ORDER**

22 Pursuant to the Stipulation of the Parties, Plaintiff is hereby granted leave to file a Second  
23 Amended Complaint, and the Defendants shall have 15 days to file Answers thereto.

24 SO ORDERED.

25  
26 Date: November 3, 2010

27   
28 \_\_\_\_\_  
LUCY H. KOH  
United States District Judge