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5 Attorneys for Defendants  
 6 CITY OF GONZALES, GONZALES POLICE DEPARTMENT,  
 CHIEF PAUL MILLER and SGT. PETER AUSTEN  
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8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

		Case No. CV 10-05112 LHK
12 JOSE LUIS VALDEZ and ALICIA T.	)	STIPULATION OF ALL PARTIES AND ORDER VACATING BRIEFING SCHEDULE AND ORDERING FILING OF AMENDED COMPLAINT; FEBRUARY 23, 2010 CASE MANAGEMENT CONFERENCE REMAINS AS SET
13 VALDEZ, individually and as	)	
representatives of the ESTATE OF MARCO	)	
14 VALDEZ; JUANITA RAMIREZ FLORES;	)	
ALICIA T. VALDEZ as Guardian ad Litem	)	
15 for ITZEL YARETZI VALDEZ RAMIREZ	)	
(a minor); MIZAEL FRANCISCO VALDEZ	)	
16 RAMIREZ (a minor); and FRANCESCA	)	
MARIE VALDEZ (a minor),	)	
	)	
17 Plaintiffs,	)	
	)	
18 vs.	)	
	)	
19 CITY OF GONZALES; GONZALES	)	
POLICE DEPARTMENT; CHIEF PAUL	)	
20 MILLER, individually and in his capacity as	)	
a Chief of Police for the City of Gonzales;	)	
21 SGT. PETER AUSTEN, individually and in	)	
his capacity as a police officer for the City of	)	
22 Gonzales; and DOES 1-50, inclusive,	)	
	)	
23 Defendants.	)	
	)	

25 Attorneys for the parties have met and conferred and stipulate as follows:  
 26 Defendants filed their motion for a more definite statement under Federal Rule of Civil  
 27 Procedure 12(e) on November 22, 2010, and the Court has ordered the Plaintiffs to file their  
 28 opposition to Defendants' motion by December 17, 2010. Plaintiffs do not oppose Defendants'

1 motion for a more definite statement. Plaintiffs intend to file an amended complaint. The parties  
2 hereby stipulate to request that the Court vacate its order of November 23, 2010 setting a briefing  
3 schedule on Defendants' Rule 12(e) motion, and order the Plaintiff to file an amended complaint  
4 addressing the issues raised in Defendants' Rule 12(e) motion on or before January 17, 2011.  
5 All parties further stipulate and request that the Court issue an order delaying the Case  
6 Management Conference, currently set for February 23, 2011, and all other dependent deadlines,  
7 by 30 days.

8 IT IS SO STIPULATED.

9 Dated: December 14, 2010

10 LAW OFFICES OF VINCENT P. HURLEY  
11 A Professional Corporation

12  
13 By: /s/ Amanda M. Cohen  
14 AMANDA M. COHEN  
15 Attorneys for Defendants CITY OF GONZALES,  
GONZALES POLICE DEPARTMENT, CHIEF  
PAUL MILLER and SGT. PETER AUSTEN

16 Dated: December 14, 2010

17 LAW OFFICES OF MANUEL A. JUAREZ

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19 By: /s/ Manuel A. Juarez  
20 MANUEL A. JUAREZ  
21 Attorneys for Plaintiffs

22 **ORDER**

23 Based on the stipulation of the parties:

24 IT IS ORDERED that, on or before January 17, 2011, Plaintiffs must file an amended  
25 complaint addressing all issues raised in Defendants' moving papers, including a statement of the  
26 Plaintiffs' identities and capacities; a statement in each cause of action specifying which  
27 plaintiffs bring that cause of action against which defendants; and explanations of the specific  
28 causes of action as addressed in Defendants' moving papers. In addition, on or before

1 January 17, 2011, any Plaintiff who claims to sue on behalf of the decedent, Marco Valdez, as  
2 his successor in interest must file an affidavit pursuant to California Code of Civil Procedure  
3 section 377.32. Pursuant to the parties' stipulation allowing Plaintiff to file an amended  
4 complaint, Defendants' motion for a more definite statement [dkt. #5] is DISMISSED AS  
5 MOOT.

6 If Plaintiffs do not file and serve their amended complaint within the time specified, the  
7 Court may dismiss this action, unless good cause is shown otherwise.

8 The parties' request to continue the Case Management Conference is DENIED. The  
9 Case Management Conference set for February 23, 2011 remains as set.

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11 Dated: December 15, 2010

  
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LUCY H. KOH  
United States District Court Judge

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