

1 Ronald Z. Berki, Esq. SBN: 85355
Law offices of Ronald Z. Berki
2 75 E. Santa Clara Street, Suite 1400
San Jose, CA 95113
3 Office: (408) 971-1160
Fax: (408) 971-1312

4 Attorney for Plaintiffs Maria Jesus Balasquez,
5 Rudy Martinez, and Rudy Balasquez Martinez, Jr.

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 Maria Jesus Balasquez,
Rudy Martinez, and
10 Rudy Balasquez Martinez, Jr.
11 Plaintiff,

12 vs.

13 City of Morgan Hill in its official and
Municipal Capacity, City of Morgan Hill
14 Police Department in its corporate capacity,
Chief of Police Bruce Cumming in his
15 official and individual capacity, Officers
Brookman in his official and individual
16 capacity, Max Cervantez, in his official and
individual capacity, Joseph Burdick in his
17 official and individual capacity, Jerry
Neumayer in his official and individual
18 capacity, Jeffrey Brandon in his official and
individual capacity, Det. Brandon Richards,
19 in his official and individual capacity and
Does 1-25 inclusive.

20 Defendants

Case No.: CV 10 05206 LHK

**STIPULATION TO PERMIT
PLAINTIFF'S TO FILE FIRST
AMENDED COMPLAINT**

1 THE PARTIES HEREBY STIPULATE TO THE FOLLOWING: Pursuant to Federal
2 Rule of Civil Procedure 15(a)(2) Plaintiff and Defendant by and through their respective
3 attorneys here by stipulate that Plaintiff may file a First Amended Complaint a copy of which is
4 attached hereto as Exhibit A in the above mentioned matter.

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8 Dated: 4/18/2011

Ronald Z. Berki
9 Ronald Z. Berki, Esq.
10 Attorney for Plaintiffs
11 Maria Jesus Balasquez, Rudy Martinez, and
12 Rudy Balasquez Martinez, Jr

13 Dated: 4/18/2011

/s/ Danielle K. Lewis
14 Danielle K. Lewis, Esq.
15 Selman Breitman, LLP
16 Attorney for Defendants
17 City of Morgan Hill, City of Morgan Hill
18 Police Department, Chief of Police Bruce
19 Cumming, Officers Brookman, Max
20 Cervantez, Joseph Burdick, Jerry Neumayer,
21 Jeffrey Brandon, Det. Brandon Richards

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IT IS SO ORDERED:

The parties' stipulation allowing Plaintiff to file an amended complaint moots Defendant's motion to dismiss the original Complaint. Accordingly, the hearing set for June 2, 2011 is VACATED.

Date: April 22, 2011

Lucy H. Koh
U.S. District Court Judge