

1 JAMES McMANIS (40958)
 CHRISTINE PEEK (234573)
 2 McMANIS FAULKNER
 A Professional Corporation
 3 50 West San Fernando Street, 10th Floor
 San Jose, California 95113
 4 Telephone: (408) 279-8700
 Facsimile: (408) 279-3244
 5 Email: cpeek@mcmanislaw.com

6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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12 JOSEPHINE SMITH, et al.,

Case No. C 11-03999 LHK

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Plaintiffs,

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vs.

**STIPULATION AND [PROPOSED]
 ORDER TO FILE SECOND AMENDED
 COMPLAINT**

15

CITY OF SANTA CLARA, et al.,

16

Defendants.

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STIPULATION

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THE PARTIES TO THIS ACTION HEREBY STIPULATE AS FOLLOWS:

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1. The parties agree that plaintiffs, JOSEPHINE SMITH and A.S., shall file their
 22 Second Amended Complaint upon the Court's execution of the order herewith. Attached as
 23 Exhibit A is a true and correct copy of plaintiffs' Second Amended Complaint. Defendants do
 24 not oppose plaintiffs' request to file the attached Second Amended Complaint.

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2. The Second Amended Complaint is identical to the First Amended Complaint,
 26 except that it adds plaintiff A.S. to the twelfth cause of action for intentional infliction of
 27 emotional distress. The only purpose of the amendment is to correct the inadvertent omission of
 28 A.S. from the twelfth cause of action. All previous court orders and stipulations concerning the

1 causes of action in the First Amended Complaint shall apply to the Second Amended Complaint,
2 once filed. In making this stipulation, no party waives the right to appeal any such court order.

3 3. Defendants' respective Answers to the First Amended Complaint shall be deemed
4 their Answers to the Second Amended Complaint. No further response need be filed.

5 IT IS SO STIPULATED.

6
7 [In accordance with Civil Local Rule 5-1.i.3, Christine Peek, counsel for plaintiffs attests that
8 concurrence in the filing of the document has been obtained from each of the other signatories,
9 which shall serve in lieu of their signatures on this document.]

10 DATED: February 22, 2013

McMANIS FAULKNER

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12 _____
/s/ Christine Peek

13 CHRISTINE PEEK
14 Attorneys for Plaintiffs

15 DATED: February 22, 2013

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

17 _____
/s/ Michael C. Serverian

18 MICHAEL C. SERVERIAN

19 Attorneys for Defendants,
20 CITY OF SANTA CLARA, CITY OF SANTA
21 CLARA POLICE DEPARTMENT
22 DETECTIVE KENNETH HENDERSON, and
23 SERGEANT GREG HILL

24 DATED: February 22, 2013

DAVIS & YOUNG, APLC

25 _____
/s/ Mark E. Davis

26 MARK E. DAVIS
27 ADAM J. DAVIS
28 ERIC BENGTON

Attorneys for Defendant,
CLAY ROJAS

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 25, 2013



THE HONORABLE LUCY KOH
United States District Judge