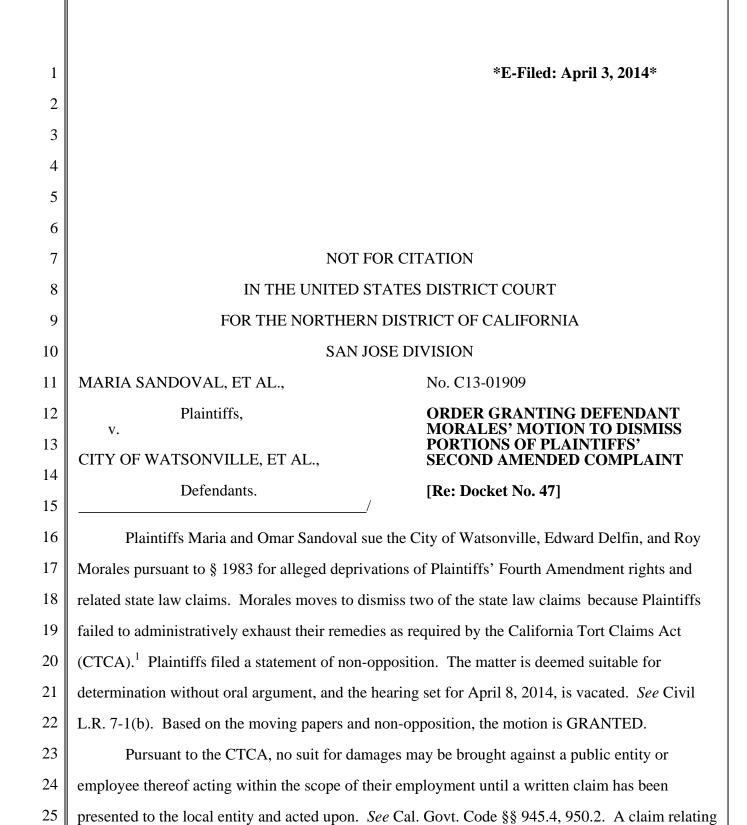
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¹ Morales moves to dismiss the sixth claim for violation of the Bane Act and twelfth claim for negligence. He asserts that Plaintiffs' counsel previously agreed to voluntarily dismiss Plaintiffs' other state law claims (seven through eleven), which is why they are not addressed in the motion. However, no such voluntary dismissal has yet been filed with the Court.

to a cause of action for personal injury shall be presented not later than six months after the accrual of the cause of action. Cal. Govt. Code § 911.2(a).

At the time of the alleged incident, March 2012, Morales was employed by the Santa Cruz County Sheriff's Office. However, Plaintiffs' Second Amended Complaint misidentifies Morales as a Police Officer for the City of Watsonville, and it alleges that Plaintiffs presented a claim only to the City of Watsonville. Morales asserts that Plaintiffs in fact did not present a claim to the County of Santa Cruz pursuant to the CTCA and that the time for them to do so has run. Accordingly, Plaintiffs' state law claims are barred and should be dismissed without leave to amend. Particularly in view of Plaintiffs' non-opposition, the Court agrees.

Accordingly, Morales' motion is GRANTED. Plaintiffs' sixth and twelfth claims for relief are dismissed as against Morales without leave to amend.²

IT IS SO ORDERED.

Dated: April 3, 2014

HOV ARD R. LOYD UNITED STATES MAGISTRATE JUDGE

² In their statement of non-opposition, Plaintiffs request leave to file a third amended complaint to cure defects not mentioned in Morales' motion by properly identifying Morales while making no substantive changes. While the Court is generally amendable to the proposed amendment, Plaintiffs' statement of non-opposition was not the appropriate vehicle for such a request because it specifically was not responsive to issues raised by the motion. Instead, Plaintiff should file a separate motion for leave to amend or, preferably, file an amended complaint pursuant to stipulation of all parties.

1	C13-01909 HRL Notice will be electronically mailed to:
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6 7	Reed William Gallogly rwg@grunskylaw.com
8	Thomas Neal Griffin tngriffin@grunskylaw.com, hparinello@grunskylaw.com
9	Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.
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