

1 Dan Stormer, Esq. [S.B. # 101967]
 2 Josh Piovia-Scott, Esq. [S.B. #222364]
 3 Mohammad Tajsar, Esq. [S.B. #280152]
 HADSELL STORMER RICHARDSON & RENICK LLP
 4 128 N. Fair Oaks Avenue
 Pasadena, California 91103
 Telephone: (626) 585-9600/Facsimile: (626) 577-7079
 5 Email: dstormer@hadsellstormer.com, jps@hadsellstormer.com, and
 mtajsar@hadsellstormer.com

6
 7 Lori Rifkin, Esq. [S.B. # 244081]
 RIFKIN LAW OFFICE
 8 P.O. Box 19169
 Oakland, California 94619
 9 Telephone: (415) 685-3591
 Email: lrifkin@rifkinlawoffice.com
 10 Attorneys for Plaintiffs

11 [Additional Counsel on Next Page]

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 Estate of JOSHUA CLAYPOLE,
 deceased, by and through SILVIA
 GUERSENZVAIG, as Administrator;
 15 SILVIA GUERSENZVAIG,

16 Plaintiff,

17 vs.

18 COUNTY OF SAN MATEO;
 SHERIFF GREG MUNKS, in his
 19 individual and official capacity;
 COUNTY OF MONTEREY;
 20 SHERIFF SCOTT MILLER, in his
 individual and official capacity;
 21 SERGEANT E. KAYE, in his
 individual and official capacity; CITY
 22 OF MONTEREY; MONTEREY
 POLICE DEPARTMENT CHIEF
 23 PHILIP PENKO, in his individual and
 official capacity; BRENT HALL, in his
 24 individual and official capacity;
 CALIFORNIA FORENSIC MEDICAL
 25 GROUP; DR. TAYLOR FITHIAN, in
 his individual and official capacity;
 26 COMMUNITY HOSPITAL OF
 MONTEREY PENINSULA; and
 27 DOES 1 through 30,

28 Defendants.

Case No: CV 14-02730 BLF

[Assigned to the Honorable Beth Labson
 Freeman - Courtroom 3]

**[PROPOSED] ORDER CONTINUING
 THE HEARING OF DEFENDANTS
 CITY OF MONTEREY, CHIEF
 PHILIP PENKO, AND OFFICER
 BRENT HALL'S MOTION TO
 DISMISS COMPLAINT WITHOUT
 LEAVE TO AMEND UNTIL
 OCTOBER 2, 2014**

MTD w/o Leave to Amend

Current Date: Sept. 18, 2014
 Current Time: 9:00 a.m.

Proposed New Date: October 2, 2014
 Time: 9:00 a.m.

Complaint Filed: June 12, 2014
TRIAL DATE: NONE SET

1 Vincent P. Hurley #111215
2 Amanda Cohen #243946
3 LAW OFFICES OF VINCENT P. HURLEY
4 A Professional Corporation
5 38 Seascape Village
6 Aptos, California 95003
7 Telephone: (831) 661-4800
8 Facsimile: (831) 661-4804
9 Email: vphurley@hurleylaw.com
10 acohen@hurleylaw.com

11 Attorneys for Defendants
12 CITY OF MONTEREY, CHIEF PHILIP PENKO, AND OFFICER BRENT HALL
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The parties have submitted a joint stipulation, through their respective counsel, requesting that Defendants City of Monterey, Chief Philip Penko, and Officer Brent Hall's Motion to Dismiss Complaint without Leave to Amend, previously set to be heard by this court on September 18, 2014 at 9:00 a.m. be continued to October 2, 2014 at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED that the hearing of Defendants City of Monterey, Chief Philip Penko, and Officer Brent Hall's Motion to Dismiss Complaint without Leave to Amend be continued to October 2, 2014 at 9:00 a.m.

Dated:



Honorable Beth Labson Freeman
United States District Judge