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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 BAO XUYEN LE, as Personal  
7 Representative of the Estate of Tommy  
8 Le; HOAI "SUNNY" LE; and DIEU  
HO,

9 Plaintiffs,

10 v.

11 REVEREND DR. MARTIN LUTHER  
12 KING, JR. COUNTY; and KING  
COUNTY DEPUTY SHERIFF CESAR  
MOLINA,

13 Defendants.

C18-55 TSZ

MINUTE ORDER

14 The following Minute Order is made by direction of the Court, the Honorable  
15 Thomas S. Zilly, United States District Judge:

16 (1) Plaintiffs' motion for leave to amend, docket no. 218, is GRANTED in part  
and DENIED in part, as follows.

17 (a) Plaintiffs will be allowed to file a Third Amended Complaint  
18 asserting a negligence claim in light of the recent decision in Beltran-Serrano v.  
City of Tacoma, 193 Wn.2d 537, 442 P.3d 608 (2019). The Court will set  
19 deadlines for the filing of such amended pleading, the filing of any responsive  
20 pleading or motion, and the completion of any related discovery after the appeal in  
this matter is resolved and the stay imposed by the Order entered June 4, 2019,  
docket no. 209, is lifted.

21 (b) Plaintiffs' request to lift the stay and permit them to immediately file  
22 their proposed Third Amended Complaint is DENIED. Plaintiffs' proposed Third  
Amended Complaint, docket nos. 218-2 (redlined) & 218-3, attempts to resurrect  
23

1 claims that have already been dismissed. *See* Minute Order (docket no. 38)  
2 (dismissing claim for reckless or negligent infliction of emotional distress, which  
3 plaintiffs have tried to replead as the Fifth Cause of Action in the proposed Third  
4 Amended Complaint); Stip. & Order (docket no. 65) (dismissing claim for  
5 negligent selection, training, and supervision, which is set forth as the Sixth Cause  
6 of Action in the proposed Third Amended Complaint); Stip. & Order (docket  
7 no. 90) (approving non-suit of Julia Nguyen, who is named as a plaintiff in the  
8 proposed Third Amended Complaint); Minute Order (docket no. 143) (dismissing  
9 the equal protection / racially-selective law enforcement claim that appears within  
10 the First Cause of Action in the proposed Third Amended Complaint); Order  
11 (docket no. 189) (dismissing claim for outrage, identified as the Fourth Cause of  
12 Action in the proposed Third Amended Complaint, and terminating as plaintiffs  
13 Uyen Le, Kim Tuyet Le, Quoc Nguyen, Tam Nguyen, Dung Nguyen, and  
14 Jefferson Ngyuen aka Jefferson Ho, who are listed in the caption of the proposed  
15 Third Amended Complaint). With the exception of the negligence claim, as to  
16 which plaintiffs contend a change in the law has transpired, plaintiffs may not, by  
17 amending their pleadings, reinstate claims that were previously dismissed.

18 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
19 record.

20 Dated this 2nd day of December, 2019.

21 William M. McCool  
22 Clerk

23 s/Karen Dews  
Deputy Clerk