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Attorneys for Defendant
Burbank Police Department Officer Gunn

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

PRESTON SMITH, an individual; Plaintiff, vs. CITY OF BURBANK; BURBANK POLICE DEPARTMENT; BURBANK POLICE DEPARTMENT OFFICER GUNN; BURBANK POLICE DEPARTMENT OFFICER BAUMGARTEN; BURBANK POLICE DEPARTMENT OFFICER EDWARDS; AND DOES 1 THROUGH 100, INCLUSIVE Defendants.	Case No. CV 10-08840 R (AGRx) Honorable Manuel L. Real **JOINT STATUS REPORT IN RESPONSE TO ORDER TO SHOW CAUSE RE: STAY OF CASE**

TO THE HONORABLE COURT, ALL PARTIES, AND TO THEIR COUNSEL OF RECORD:

In advance of the January 17, 2012 Order to Show Cause RE: Stay of the Case, the parties hereby submit this Joint Status Report to advise the Court of the status of the Los Angeles Sheriff's Department's investigation. In preparation for

1/13

the January 17, 2012 hearing, personnel from the Burbank Police Department contacted the investigator from the Los Angeles Sheriff's Department who is overseeing the investigation into the incident that is the subject of this litigation. In response to this recent inquiry, the Burbank Police Department was advised that the criminal investigation is still pending with the expectation that the investigation should be completed in less than 30 days. The Burbank Police Department was further advised that the Los Angeles Sheriff's Department's investigation will then be presented to the District Attorney's Office, which will review the investigation and render an opinion as to whether a criminal complaint will be filed.

Based on the information received by the Burbank Police Department, the parties to this action jointly request that this case remain stayed. Until the Los Angeles Sheriff's Department concludes its investigation and the District Attorney's Office indicates that charges will not be filed, the parties contend that a stay is necessary.

Dated: January ___, 2012

LAW OFFICES OF MANUEL H. MILLER
A Professional Corporation

By_____
Max A. Sauler
Attorney for Plaintiff
Preston Smith

Dated: January 13, 2012

LAWRENCE BEACH ALLEN & CHOI, PC

By /s/ Nathan A. Oyster
Nathan A. Oyster
Attorneys for Defendant
Burbank Police Department Officer Gunn

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By_____
Max A. Sauler
Attorney for Plaintiff
Preston Smith

Dated: January ___, 2012

LAWRENCE BEACH ALLEN & CHOI, PC

By_____
Nathan A. Oyster
Attorneys for Defendant
Burbank Police Department Officer Gunn

Dated: January 13, 2012

DENNIS A. BARLOW
City Attorney

By _____
Carol A. Humiston
Sr. Assistant City Attorney
City of Burbank, Burbank Police Department, Burbank Police Officers Adam Baumgarten and Michael Edwards

Pearlman, Brianna

From: cacd_ecfmail@cacd.uscourts.gov
Sent: Friday, January 13, 2012 2:43 PM
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Subject: Activity in Case 2:10-cv-08840-R-AGR Preston Smith v. City of Burbank et al Status Report

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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Case Name: Preston Smith v. City of Burbank et al
Case Number: 2:10-cv-08840-R-AGR
Filer: Gunn
WARNING: CASE CLOSED on 03/01/2011
Document Number: 47

Docket Text:
STATUS REPORT *(JOINT)* filed by Defendant Gunn. (Oyster, Nathan)

2:10-cv-08840-R-AGR Notice has been electronically mailed to:

Carol Ann Humiston chumiston@ci.burbank.ca.us, larutyunyan@ci.burbank.ca.us, lrosoff@ci.burbank.ca.us

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Dennis Michael Gonzales dgonzales@lbaclaw.com, dard@lbaclaw.com

Juli C Scott jscott@ci.burbank.ca.us

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Max A Sauler msauler@miller4law.com

Nathan A Oyster noyster@lbaclaw.com, clynch@lbaclaw.com

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1d4e697f03643848d00609d9d13e2a18614d4cc11a83afd7518338cac5013]]

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Attorneys for Defendant
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Dated: January ___, 2012

LAW OFFICES OF MANUEL H. MILLER
A Professional Corporation

By_____
Max A. Sauler
Attorney for Plaintiff
Preston Smith

Dated: January ___, 2012

LAWRENCE BEACH ALLEN & CHOI, PC

By_____
Nathan A. Oyster
Attorneys for Defendant
Burbank Police Department Officer Gunn

Dated: January 13, 2012

DENNIS A. BARLOW
City Attorney

By _____
Carol A. Humiston
Sr. Assistant City Attorney
City of Burbank, Burbank Police Department, Burbank Police Officers Adam Baumgarten and Michael Edwards

MEMORY TRANSMISSION REPORT

TIME	: 01-13-'12 10:53
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Dennis A. Barlow, City Attorney
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Tel: (818)238-5707 Fax: (818)238-5724

FAX TRANSMITTAL COVER PAGE

To: David D. Lawrence
Nathan A. Oyster
Dennis M. Gonzales
Lawrence Beach Allen & Choi, PC
100 West Broadway, Suite 1200
Glendale, California 91210-1219
Fax: 818-545-1937

From: Lusine Arutyunyan
Assistant to Carol Ann Humiston
Senior Assistant City Attorney

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Re: Preston Smith v. COB et al.

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OFFICE OF THE CITY ATTORNEY

Dennis A. Barlow, City Attorney

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