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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

M.S., a minor by and through her  
Guardian Ad Litem MELISSA  
SHAFER; and VINCENT AVILA,  
individually,

Plaintiff,

vs.

CITY OF FONTANA; Officer  
SHAWN MICHELS; and DOES 1-10,  
inclusive,

Defendants.

) CASE NO: 5:16-CV-02498-JGB (DTBx)  
)  
) ASSIGNED FOR ALL PURPOSES TO:  
) Honorable District Judge Jesus G. Bernal  
) Magistrate Judge David T. Bristow  
)  
)  
) **ORDER GRANTING JOINT**  
) **STIPULATION TO DISMISS CLAIMS**  
) **AND STRIKE LANGUAGE IN**  
) **PLAINTIFFS' FIRST AMENDED**  
) **COMPLAINT**  
)  
)  
)

Having reviewed the Stipulation between Plaintiffs M.S., a minor by and through her Guardian Ad Litem MELISSA SHAFER; and VINCENT AVILA, individually and Defendant CITY OF FONTANA, regarding Plaintiffs' First Amended Complaint, and GOOD CAUSE APPEARING THEREFORE, it is hereby ORDERED that:

- 1 a. Plaintiffs M.S., a minor by and through her Guardian Ad Litem  
2 MELISSA SHAFER; and VINCENT AVILA's fifth, sixth, and seventh  
3 claims for relief against Defendant CITY OF FONTANA are dismissed,  
4 without prejudice;
- 5 b. Plaintiff VINCENT AVILA's claims as to the eighth, ninth, and tenth  
6 claims for relief (false imprisonment, battery and negligence) against  
7 Defendant CITY OF FONTANA is dismissed without prejudice;
- 8 c. As to the eighth claim for relief (false imprisonment), the language  
9 regarding "wrongful death damages" is deemed stricken;
- 10 d. As to the eighth, ninth, and tenth claims for relief (false imprisonment,  
11 battery and negligence), the language regarding "attorney fees" is  
12 deemed stricken.

13  
14 **IT IS SO ORDERED.**

15  
16 Dated: May 24, 2017

17   
18 \_\_\_\_\_  
19 Jesus G. Bernal  
20 U.S. District Judge