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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERTO JUAREZ,

Plaintiffs,

vs.

CITY OF COALINGA, CHIEF CAL
MINOR, CALIFORNIA HIGHWAY
PATROL, CAPTAIN DANIEL MINOR,
and DOES 1 through 10, Inclusive,

Defendants.

) Case No.:
) **1:11-CV-00733-LJO-SMS**
) [*Hon. Lawrence J. O’Neill, District*
) *Judge; Hon. Sandra M. Snyder,*
) *Magistrate Judge]*

) **ORDER RE STIPULATION OF**
) **THE PARTIES FOR**
) **DISMISSAL WITH PREJUDICE**
) **OF PLAINTIFF’S CLAIMS, IN**
) **PART**

) Complaint Filed: 02/10/2011

PURSUANT TO THE STIPULATION OF THE PARTIES, and pursuant to
the Court’s inherent and statutory authority, including but not limited to the Court’s
authority under the applicable Federal Rules of Civil Procedure and the United States
District Court, Eastern District of California Local Rules; after due consideration of
all of the relevant pleadings, papers, and records in this action; and upon such other
evidence or argument as was presented to the Court; Good Cause appearing therefor,
and in furtherance of the interests of justice,

///

1 IT IS HEREBY ORDERED that:

2 Regarding the matter of *Juarez, Roberto v. City of Coalinga, et al.*, United
3 States District Court, Eastern District of California case no. 1:11-CV-00733-LJO-
4 SMS:

5 1. Plaintiff's Fourth Cause of Action for Violation of Civil Rights pursuant
6 to 42 U.S.C. § 1983 is hereby DISMISSED WITH PREJUDICE as to defendants
7 CITY OF COALINGA ("City") and CALIFORNIA HIGHWAY PATROL ("CHP")
8 and as to the State of California, including but not limited to any and all of plaintiff's
9 claims against these defendants for Unconstitutional Policy or Custom of Civil
10 Rights Violations (*Monell*) and/or Deliberate Indifference to Hiring, Training, and
11 Supervising Defendants' Peace Officers (*Monell/Canton*). To the extent that
12 plaintiff claims for Unconstitutional Policy or Custom of Civil Rights Violations
13 (*Monell*) and/or Deliberate Indifference to Hiring, Training, and Supervising
14 Defendants' Peace Officers (*Monell/Canton*) pursuant to 42 U.S.C. § 1983 against
15 defendants CHIEF CALVIN MINOR or CAPTAIN DAVID MINOR or any other
16 individual law enforcement officer, such claims are also hereby DISMISSED WITH
17 PREJUDICE.

18 2. Nothing in this Order shall be construed so as to effect a dismissal of
19 those claims in plaintiff's Fourth Cause of Action pursuant to 42 U.S.C. § 1983
20 against defendants CHIEF CALVIN MINOR or CAPTAIN DAVID MINOR or any
21 other individual law enforcement officers employed by the City or the CHP who may
22 later be identified as one or more of Doe Defendants 1-10 for claims of Excessive
23 Force, Unlawful Seizure, or Unlawful Search. Nothing in this Order shall be
24 construed so as to effect a dismissal of plaintiff's Fourth Cause of Action in its
25 entirety.

26 3. Plaintiff's Fifth Cause of Action (Negligence, under California law),
27 plaintiff's Sixth Cause of Action (Negligence *Per Se*, under California law including
28 Penal Code sections 240 and 242), and plaintiff's Seventh Cause of Action

1 (Negligent Infliction of Emotional Distress, pursuant to California Civil Code section
2 1714) are also hereby DISMISSED WITH PREJUDICE solely as to defendant City
3 and defendant CHP and as to the State of California.

4 4. Nothing in this Order shall be construed so as to effect a dismissal of
5 those claims in plaintiff's Fifth Cause of Action, plaintiff's Sixth Cause of Action, or
6 plaintiff's Seventh Cause of Action against defendants CHIEF CALVIN MINOR or
7 CAPTAIN DAVID MINOR or any other individual law enforcement officers
8 employed by the City or the CHP who may later be identified as one or more of Doe
9 Defendants 1-10. Nothing in this Order shall be construed so as to effect a dismissal
10 of plaintiff's Fifth, Sixth, or Seventh Cause(s) of Action in its/their entirety.

11 5. Plaintiff's Eighth Cause of Action (Negligent Failure to Supervise and
12 Train, pursuant to California Government Code section 815.2) is hereby
13 DISMISSED WITH PREJUDICE in its entirety and as to all parties.

14 6. Furthermore, plaintiff, defendant City, and defendant CHP mutually
15 waive all costs, court fees, and attorneys' fees arising out of the litigation between
16 these parties solely and only as to the aforementioned claims for which dismissal is
17 hereby Ordered.

18 IT IS SO ORDERED.

19 **Dated: June 17, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE