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24 MODESTO and OFFICER RON ZIYA

25 UNITED STATES DISTRICT COURT  
26 EASTERN DISTRICT OF CALIFORNIA

27 BRIAN REED, B.R., a minor, by her  
28 guardian ad litem, Roxanne Sayer,

Plaintiffs,

v.

CITY OF MODESTO, a municipal  
corporation, Chief of Police  
HARDEN, in his individual capacity;  
Police Officer RON ZIYA, Police  
Officer CAELI KOEHLER, in their  
individual and official capacities,

Defendants.

Case No. 1:11-cv-01083-AWI-GSA

**STIPULATION AND ORDER TO  
DISMISS CLAIMS OF B.R. AND  
FOURTH AMENDMENT CLAIMS**

Trial Date: April 28, 2015  
Time: 8:30 a.m.  
Courtroom: 2

Hon. Anthony W. Ishii

1 Plaintiffs BRIAN REED and B.R., through her guardian ad litem,  
2 ROXANNE SAYER (hereinafter "Plaintiffs") and Defendants CITY OF  
3 MODESTO and OFFICER RON ZIYA (hereinafter "Defendants") hereby stipulate  
4 to the following:

5 1. All claims of B.R., through her guardian ad litem, ROXANNE  
6 SAYER, are to be dismissed with prejudice.

7 2. The second claim for relief, which alleges a violation of the Fourteenth  
8 Amendment pursuant to 42 U.S.C. section 1983, is to be dismissed with prejudice.

9 3. Each side is to bear their own costs and fees as to the dismissal  
10 identified in paragraphs 1 and 2.

11 IT IS SO STIPULATED.

12  
13 Dated: April 23, 2015

Law Office of John Burris  
Law Office of Steven Yourke

14  
15 By: /s/  
16 As authorized on  
17 John L. Burris  
Steven R. Yourke  
Attorneys for Plaintiffs

18  
19 Dated: April 23, 2015

Burke, Williams & Sorensen, LLP

20 By: /s/ Nathan A. Oyster  
21 Susan E. Coleman  
Nathan A. Oyster  
22 Attorneys for Defendants  
23 CITY OF MODESTO and OFFICER  
24 RON ZIYA

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1                   **ORDER DISMISSING CLAIMS OF B.R. AND FOURTEENTH**  
2                                   **AMENDMENT CLAIMS**

3           Having reviewed the parties' Stipulation to Dismiss Claims of B.R. and  
4   Fourteenth Amendment Claims, filed on April 23, 2015, and finding good cause  
5   therefor, IT IS HEREBY ORDERED that:

6           1.     All claims of B.R., through her guardian ad litem, ROXANNE  
7   SAYER, are hereby dismissed with prejudice.

8           2.     The second claim for relief, which alleges a violation of the Fourteenth  
9   Amendment pursuant to 42 U.S.C. section 1983, is hereby dismissed with  
10   prejudice.

11          3.     Each side is to bear their own costs and fees as to the dismissal  
12   identified in paragraphs 1 and 2.

13  
14   IT IS SO ORDERED.

15   Dated: April 24, 2015

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE