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MODESTO and OFFICER RON ZIYA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN REED, B.R., a minor, by her
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.

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13 Dated: April 23, 2015

Law Office of John Burris
Law Office of Steven Yourke

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15 Dated: April 23, 2015

By: /s/
[As authorized on
John L. Burris
Steven R. Yourke
Attorneys for Plaintiffs

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By: /s/ Nathan A. Oyster
Susan E. Coleman
Nathan A. Oyster

Attorneys for Defendants
CITY OF MODESTO and OFFICER
RON ZIYA

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

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

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

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

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

IT IS SO ORDERED.

Dated: April 24, 2015

Sh. Blum
SENIOR DISTRICT JUDGE