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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ESPERANZA BOOKE, individually
12 and as personal representative of the
13 Estate of CHARLES SALINAS;

14 Plaintiff,

15 vs.

16 COUNTY OF FRESNO, et al.,

17
18 Defendants.

CASE NO. 1:13-cv-00586-AWI-SAB

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21 **STIPULATION RE: WAIVER OF
22 COSTS/MALICIOUS
23 PROSECUTION CLAIM IN
24 EXCHANGE FOR WAIVER OF
25 NEW TRIAL MOTION/APPEAL
26 AND [~~PROPOSED~~] ORDER**

27 Complaint Filed: April 18, 2013
28 Date Judgment Entered: March 1, 2016

21 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
22 RECORD:

23 **STIPULATION**

24 **1. STIPULATING PARTIES (Collectively referred to as "Parties")**

25 A. Plaintiff Esperanza Booke, as the personal representative of the Estate
26 of Charles Salinas, and on behalf of the decedent, Charles Salinas, and the
27 surviving heirs, George Salinas, Jennie Ruiz, Lewis Salinas and Ignacio Salinas, on
28 the survival and wrongful death claims; and

1 B. Defendants City of Sanger, Jason Boust, Preston Little, Robert
2 Pulkownik, and Angela Yambupah.

3 **2. RECITALS**

4 WHEREAS, Plaintiff filed this action against Defendants on April 18, 2013.

5 WHEREAS, the case was tried before a jury commencing on February 10,
6 2016, before the Senior United States District Judge, Anthony W. Ishii.

7 WHEREAS, on February 25, 2016, the jury returned a verdict in favor of
8 Defendants.

9 WHEREAS, on March 1, 2016, the Court entered judgment in favor of
10 Defendants.

11 WHEREAS, on March 9, 2016, Defendants filed a Memorandum of Costs
12 for \$22,196.89.

13 WHEREAS, on March 16, 2016, Plaintiff filed an Objection to Defendants'
14 Memorandum of Costs.

15 WHEREAS, the deadline to file a motion for new trial is March 29, 2016.

16 WHEREAS, the parties hereby stipulate as follows:

17 **3. STIPULATED TERMS**

18 The Plaintiff and Defendants, by and through their respective counsel,
19 hereby agree as follows:

20 A. Defendants' pending Memorandum of Costs is hereby withdrawn;

21 B. Plaintiff, individually and as the personal representative of the Estate of
22 Charles Salinas, and the heirs of the Estate of Charles Salinas, hereby
23 waives her right to file a Motion for New Trial and Appeal; and

24 C. Defendants, and each of them, release and waive any and all claims for
25 malicious prosecution in connection with the incident alleged in the
26 operative complaint and this action against Plaintiff, individually and as
27 the personal representative of the Estate of Charles Salinas, and the heirs
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ORDER

The Court has read and considered the foregoing stipulation.

Good cause appearing therefor, IT IS HEREBY ORDERED:

1. Defendants' Memorandum of Costs for \$22,196.89 is hereby withdrawn.
2. Plaintiff's Objection to Defendants' Memorandum of Costs is hereby withdrawn.

IT IS SO ORDERED.

Dated: March 30, 2016



SENIOR DISTRICT JUDGE