1	Adam U. Lindgren, City Attorney (SBN: 177476 CITY OF MODESTO)
2	1010 10th Street, Suite 6300	
3	PO BOX 642 Modesto, CA 95353	
3	Telephone: (209) 577-5284	
4	Facsimile: (209) 544-8260	
5	Blake P. Loebs (SBN: 145790)	
6	bloebs@meyersnave.com Robert S. Moutrie (SBN: 295250)	
7	rmoutrie@meyersnave.com	
8	MEYERS, NAVE, RIBACK, SILVER & WILSO 555 12 th Street, Suite 1500	DN
9	Oakland, CA 94607 Telephone: (510) 808-2000	
10	Facsimile: (510) 444-1108	
11	Attorneys for Defendants JERRY RAMAR, BEN KROUTIL, and JOSEPH	I DOTTOMS
12	JERRI RAMAR, BEN KROUTIL, and JOSEFF	I BOT TOMS
13		
	UNITED STATES	DISTRICT COURT
14	EASTERN DISTRIC	CT OF CALIFORNIA
15		
16	HADVEY HOLCOMD	Case No: 13-cv-01102-AWI-SKO
17	HARVEY HOLCOMB,	Case No. 13-cv-01102-AWI-5KO
	Plaintiff,	STIPULATION AND PROPOSED ORDER
18	v.	REGARDING COSTS AND APPEAL
19	JERRY RAMAR, a Modesto police officer;	
20	OFFICER KROUTIL, a Modesto police officer; OFFICER COX, a Modesto police officer; OFFICER BOTTOMS, a Modesto police	
21	officer; OFFICER CICCARELLI, a Modesto	
22	police officer; J. CHANDLER, a Modesto police officer; JOHN DOE and RICHARD	
23	ROE, Modesto police officers, the true names and exact numbers of whom are unknown at this	
24	time; CITY OF MODESTO, a municipal corporation,	
25	Defendants.	Trial: August 8, 2017
26		
27		
28		

STIPULATION AND PROPOSED ORDER REGARDING COSTS AND APPEAL [13-cv-01102-AWI-SKO]

1 **STIPULATION** 2 Plaintiff, HARVEY HOLCOMB ("Holcomb" or "Plaintiff"), and Defendants JERRY 3 RAMAR, OFFICERS KROUTIL, COX, BOTTOMS, CICCARELLI, DOE, and CITY OF MODESTO ("City", or collectively, "Defendants") by and through their respective counsel of 4 5 record, hereby stipulate to the terms and conditions of this stipulation and jointly request that the 6 court enter the attached Order: 7 1. The Court entered Judgment in favor of the Defendants on August 21, 2017. (See 8 Doc No. 192, the "Judgment") 9 2. The Defendants filed their Bill of Costs on September 6, 2017. (See Doc. No. 194, the "Costs") 10 3. 11 Plaintiff has a right to appeal the Judgment before the Court of Appeals. 12 4. Holcomb seeks to have the City and the other named Defendants in this action 13 waive their costs and attorneys' fees. 5. 14 City seeks to have Holcomb agree not to appeal the jury verdict or any other matters related to this case. 15 16 WHEREFORE, the parties hereby stipulate and agree as follows: 17 1. The City Defendants waive the Costs identified in its Bill of Costs and waive any 18 right they might have to attorneys' fees in this matter. 19 2. Holcomb agrees to waive his right to all appealable any and all issues arising in and 20 from this action, including but not limited to any appeals based on the jury trial or Judgment. 21 IT IS SO STIPULATED. 22 23

24

25

26

27

28

1

1	DATED: September 20, 2017 MEYERS, N	JAVE, RIBACK, SILVER & WILSON
2	2	
3	By: Blake	/S/ Blake P. Loebs P. Loebs
4	/I II	eys for Defendants Y RAMAR, BEN KROUTIL, and JOSEPH
5	DOTT	
6		
7		CES OF ANTHONY BOSKOVICH
8	8 By:	/S/ Anthony Boskovich
9	9 Anthor	ny Boskovich ey for Plaintiff
10	40	EY HOLCOMB
11	11	
12	Attestation of Concurrence in the Filing	
13	The filer, Blake P. Loebs, attests that all other signatories listed on whose behalf this filing	
14	is submitted concur in the filing's content and have authorized the filing.	
15	[PROPOSED] ORDER	
16	IT IS HEREBY ORDERED that, upon good cause being shown as set forth in the	
17	stipulation of legal counsel above, the Court hereby adopts the stipulation.	
18		
19		Stolli:
	20 Dated: September 21, 2017 SENIOR I	DISTRICT JUDGE
21		
22		
23		
24		
	25	
	26 27	
	28	
۵۷	²⁰	