

1 JOHN L. ROZIER - SBN 103059  
NELSON & ROZIER  
2 3924 West Caldwell Avenue, Suite A  
Visalia, CA 93277  
3 Telephone: (559) 713-0159  
Facsimile: (559) 713-0166  
4

Attorneys for Plaintiffs,  
5 ANGEL KEITH TOSCANO, JR., individually  
and as successor-in-interest to Angel  
6 Keith Toscano, deceased;  
STEVEN WADE TOSCANO, individually and as  
7 successor-in-interest to Angel Keith  
Toscano, deceased, by his mother and  
8 Guardian Ad Litem, KIMBERLY HENSON;  
KIMBERLY HENSON as successor-in-interest  
9 to heir COLE TOSCANO, now deceased

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12  
13 FRESNO DIVISION

14 ANGEL KEITH TOSCANO, JR., )  
individually and as successor- )  
15 in-interest to Angel Keith )  
Toscano, deceased; STEVEN WADE )  
16 TOSCANO, individually and as )  
successor-in-interest to Angel )  
17 Keith Toscano, deceased, by his )  
mother and Guardian Ad Litem, )  
18 KIMBERLY HENSON; KIMBERLY )  
HENSON as successor-in-interest )  
19 to heir COLE TOSCANO, now )  
deceased; ANTHONY KEITH )  
20 TOSCANO, JULIAN MATTHEW )  
TOSCANO, ANGEL INFINITY )  
21 TOSCANO, and JIMMY LEE LONG, )  
minors, by and through their )  
22 Guardian Ad Litem, SYLVIA )  
MORENO )

23 Plaintiffs, )  
24 vs. )  
25 CITY OF FRESNO, a municipal )  
26 corporation; JERRY DYER, )  
individually and in his )  
capacity as Chief of Police for )

CASE NO. 1:13-cv-01987-SAB  
**STIPULATION FOR DISMISSAL OF  
CHIEF JERRY DYER AND OFFICER  
KENNETH WEBB WITH PREJUDICE  
FROM THIS ACTION ENTIRELY AND  
DISMISSAL OF THE CITY OF FRESNO  
AS TO THE Monell CLAIMS ONLY**

1 the City of Fresno; OFFICER )  
2 JAMES LYON; OFFICER KENNETH )  
3 WEBB; and DOES 1 through 50, )  
4 inclusive, )  
5 Defendants. )

---

6 Pursuant to the provisions of Fed.R.Civ.P. 41(a)(1), the  
7 parties, by and through their respective counsel, hereby stipulate  
8 that CHIEF JERRY DYER and OFFICER KENNETH WEBB be dismissed with  
9 prejudice from this action entirely and that the CITY OF FRESNO be  
10 dismissed as to the Monell claims ONLY, with the parties bearing  
11 their own costs and attorney's fees.

12 IT IS SO STIPULATED.

13 Dated: July 13, 2015

NELSON & ROZIER

14  
15 By /S/JOHN L. ROZIER

16 John L. Rozier, Attorneys for  
17 Plaintiffs, ANGEL KEITH TOSCANO,  
18 JR., individually and as  
19 successor-in-interest to Angel  
20 Keith Toscano, deceased; STEVEN  
21 WADE TOSCANO, individually and  
22 as successor-in-interest to  
23 Angel Keith Toscano, deceased,  
24 by his mother and Guardian Ad  
25 Litem, KIMBERLY HENSON; KIMBERLY  
26 HENSON as successor-in-interest  
to heir COLE TOSCANO, now  
deceased

///  
24  
25  
26

1 Dated: July 14, 2015

GOLDBERG & IBARRA

2  
3 By /S/RUSSELL C. SAHLIN  
4 Russell C. Sahlin, Attorneys for  
5 Plaintiffs, ANTHONY KEITH  
6 TOSCANO, JULIAN MATTHEW TOSCANO,  
7 ANGEL INFINITY TOSCANO, and  
8 JIMMY LEE LONG, minors, by and  
9 through their Guardian Ad Litem,  
10 SYLVIA MORENO

11  
12 **ORDER OF DISMISSAL**

13 CHIEF JERRY DYER and OFFICER KENNETH WEBB are dismissed with  
14 prejudice from this action entirely and the CITY OF FRESNO is  
15 dismissed as to the Monell claims ONLY, with the parties bearing  
16 their own costs and attorney's fees.

17 IT IS SO ORDERED.

18 Dated: July 15, 2015

19  
20  
21  
22  
23  
24  
25  
26  
  
UNITED STATES MAGISTRATE JUDGE