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9 Attorneys for Defendants
10 CITY OF CALIFORNIA CITY, CALIFORNIA CITY
11 POLICE DEPARTMENT, CHRISTOPHER MORGAN,
12 DETECTIVE BISHOP, SERGEANT HAYES, and
13 JESSE HIGHTOWER

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 JAMES WILLIAM NEAL III and
17 CORDELIA NEAL,

18 Plaintiffs,

19 vs.

20 CALIFORNIA CITY, a public entity,
21 CALIFORNIA CITY POLICE
22 DEPARTMENT, an agency of the
23 California City; CHRISTOPHER
24 MORGAN, a public employee;
25 DETECTIVE BISHOP, a public
26 employee; SERGEANT HAYES, a
27 public employee; JESSE
28 HIGHTOWER, a public employee;
Does 1-10,

Defendants.

No. 1:14-CV-00269-AWI-JLT

**STIPULATION AND ORDER TO
DISMISS OF CALIFORNIA CITY
POLICE DEPARTMENT AND
ANY CLAIMS OF INTENTIONAL
INFLICTION OF EMOTIONAL
DISTRESS BY PLAINTIFFS**

Pretrial Conf. : 7/29/2015
Jury Trial : 9/29/2015

TO THE COURT AND ALL INTERESTED PARTIES:

On October 14, 2014, via email, and again on January 22, 2015, in person,
counsel for Plaintiffs, Greg Garrotto, and counsel for the named Defendants, Allen

1 Christiansen, met and conferred regarding a stipulation and order to dismiss certain
2 parties and issues from this litigation.

3 On October 14, 2014, Plaintiffs' counsel, Greg Garrotto, agreed to dismiss the
4 California City Police Department from this matter, having already named the City
5 of California City.

6 Additional discussions were conducted regarding that fact that the caption
7 page of Plaintiffs' complaint identifies a fourth cause of action for Intentional
8 Infliction of Emotional Distress ("IIED") that is not alleged in the complaint itself.
9 As such, on January 22, 2015, Plaintiffs' counsel, Greg Garrotto, also agreed to
10 dismiss any claim for IIED.

11 Defendants agree that these matters should be dismissed to narrow the issues
12 as this case progresses.

13 As such, GOOD CAUSE EXISTS for dismissal of the California City Police
14 Department as a Defendant in this matter and for dismissal of any claim for
15 Intentional Infliction of Emotional Distress.

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Dated: January 22, 2015

FERGUSON, PRAET &
SHERMAN

By: /s/ Allen Christiansen
Allen Christiansen
Attorneys for Defendants City of California
City, California City Police Department,
Christopher Morgan, Detective Bishop,
Sergeant Hayes and Jesse Hightower

1 Dated: January 27, 2015

GARROTTO & GARROTTO

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3 By: /s/ Greg Garrotto
4 Greg Garrotto
5 Attorneys for Plaintiffs
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8 **ORDER**

9 After consideration of the parties' joint stipulation to dismiss the California
10 City Police Department as a Defendant and to dismiss any claim of Intentional
11 Infliction of Emotional Distress by Plaintiffs and with GOOD CAUSE SHOWING,
12 the court GRANTS the stipulation of the parties.
13

14 **IT IS HEREBY ORDERED:**

- 15
- 16 1. That California City Police Department is dismissed from this action
17 with prejudice;
 - 18 2. That any claim for Intentional Infliction of Emotional Distress by
19 Plaintiffs is dismissed from this action with prejudice.
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21 IT IS SO ORDERED.

22 Dated: January 28, 2015

23 
24 SENIOR DISTRICT JUDGE
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