

1 **Leonard C. Herr, Esq (SBN 081896)**  
2 **HERR PEDERSEN & BERGLUND LLP**  
3 **100 Willow Plaza, Suite 300**  
4 **Visalia, California 93291**  
5 **Telephone: (559) 636-0200**  
6 **Facsimile: (559) 636-9759**

7 **Mark L. Nations, Interim County Counsel**  
8 **Andrew C. Thomson, Deputy (SBN 149057)**  
9 **OFFICE OF THE COUNTY COUNSEL**  
10 **1115 Truxtun Avenue, Fourth Floor**  
11 **Bakersfield, CA 93301**  
12 **Telephone: (661) 868-3800**  
13 **Facsimile: (661) 868-3805**

14 **Attorneys for Defendants County of Kern, Deputy Bravo,**  
15 **Detectives Brewer, Rutledge, Kimmel, and Sergeant Smallwood**

16 **UNITED STATES DISTRICT COURT**

17 **EASTERN DISTRICT OF CALIFORNIA**

18 **FRANCISCO ARRIETA, et. a1.** ) **CASE NO.: 1:15-cv-00706-LJO JLT**  
19 )  
20 **Plaintiffs,** ) **LEAD CASE NO:1:14-cv-00400 LJO JLT**  
21 **v.** )  
22 ) **Member Case Nos**  
23 **COUNTY OF KERN, DETECTIVE** ) **1:14-cv-00401 LJO JLT**  
24 **BREWER, DETECTIVE KIMMEL,** ) **1:14-cv-00402 LJO JLT**  
25 **SARGENT SMALLWOOD ,and** ) **1:14-cv-00403 LJO JLT**  
26 **DOES 1 to 100, Inclusive,** ) **1:14-cv-00404 LJO JLT**  
27 ) **1:14-cv-00717 LJO JLT**  
28 **Defendants.** )  
 ) **STIPULATION FOR DISMISSAL OF**  
 ) **DEFENDANTS; [PROPOSED] ORDER**  
 ) **CLOSING CASE**  
 )  
 )

29 **COME NOW** the Parties to this matter, and stipulate that the entire matter, including all  
30 cases against Defendants County of Kern, Bravo, Brewer, Rutledge, Kimmel, and Smallwood  
31 should be dismissed with prejudice.

32 Plaintiffs Maria Melendez, Melissa Quair, Sulina Quair, Francisco Arrieta, Laura  
33 Vasquez, and T.A., a minor, by and through his guardian ad litem Maria Guerrero (hereinafter

1 collectively "Plaintiffs"), are represented by their counsel of record Daniel Rodriguez and  
2 Chantal Trujillo, of Rodriguez & Associates.

3 Defendants County of Kern, Defendants Bravo, Brewer, Rutledge, Kimmel, and  
4 Smallwood (hereinafter collectively "Defendants") are represented by their counsels of record  
5 Leonard C. Herr of Herr Pedersen & Berglund and Andrew C. Thomson of the Office of Kern  
6 County Counsel.

7 Plaintiffs and Defendants (hereinafter collectively identified as the "Parties") stipulate  
8 and provide as follows:

9 **IT IS HEREBY STIPULATED** by and between the Parties to this action through their  
10 designated counsel, that all of the above-captioned cases be dismissed with prejudice in their  
11 entireties as to each and every complaint, allegation and/or cause of action against Defendants;  
12 specifically Plaintiffs agree to the dismissal of the entire applicable multi-case action, including  
13 all complaints and/or causes of action filed by Plaintiffs, as against each and every Defendant  
14 named in any and all of the aforementioned applicable multi-case actions.

15 **IT IS FURTHER STIPULATED** that the aforementioned dismissal is in consideration  
16 of a resolution of the matter by the Parties, and that each party hereby agrees to bear all of their  
17 own costs and attorney's fees with respect to this litigation.

18 Dated: March 7, 2017

**RODRIGUEZ & ASSOCIATES**

19 By /s/ Chantal A. Trujillo  
20 Daniel Rodriguez and Chantal A. Trujillo  
21 Attorneys for Plaintiffs

22 Dated: March 7, 2017

**HERR PEDERSEN & BERGLUND, and  
OFFICE OF KERN COUNTY COUNSEL**

23  
24 By /s/ Andrew C. Thomson  
25 Leonard C. Herr and Andrew C. Thomson  
26 Attorneys for Defendants

**ORDER**

1  
2 The parties have filed a stipulation to dismiss this action. (Doc. 22) Federal Rules of Civil  
3 Procedure 41(a)(1) provides, “the plaintiff may dismiss an action without a court order by filing:  
4 . . . a stipulation of dismissal signed by all parties who have appeared.” . . .” Fed. R. Civ. P. 41(a).  
5 Once such a notice has been filed, an order of the Court is not required to make the dismissal  
6 effective. Fed. R. Civ. P. 41(a)(1)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir.  
7 1997). Thus, the Clerk of Court is DIRECTED to close this action in light of the stipulation as  
8 dictated by Rule 41(a).  
9

10  
11 IT IS SO ORDERED.

12 Dated: March 10, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE