

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

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

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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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

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

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

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

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

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

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

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

Dated: March 7, 2017

RODRIGUEZ & ASSOCIATES

By /s/ Chantal A. Trujillo

Daniel Rodriguez and Chantal A. Trujillo
Attorneys for Plaintiffs

Dated: March 7, 2017

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

By /s/ Andrew C. Thomson

Leonard C. Herr and Andrew C. Thomson
Attorneys for Defendants

ORDER

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

IT IS SO ORDERED.

Dated: **March 10, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE