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16 BAKERSFIELD and RYAN MILLER

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19) Case No. 1:14-CV-01873-JLT
20)
21) **STIPULATION TO DISMISS FIRST CAUSE**
22) **OF ACTION (*MONELL CLAIM*) AGAINST**
23) **THE CITY OF BAKERSFIELD; SECOND**
24) **CAUSE OF ACTION FOR VIOLATION OF**
25) **THE REHABILITATION ACT OF 1973**
26) **AGAINST RYAN MILLER; THIRD CAUSE**
27) **OF ACTION FOR VIOLATION OF TITLE II**
28) **OF THE AMERICANS WITH DISABILITIES**
) **ACT OF 1990 AGAINST RYAN MILLER;**
) **FOURTH CAUSE OF ACTION FOR**
) **VIOLATION OF THE BANE CIVIL RIGHTS**
) **ACT, CALIFORNIA CIVIL CODE SECTION**
) **52.1; AND SIXTH CAUSE OF ACTION FOR**
) **INTENTIONAL INFLICTION OF**
) **EMOTIONAL DISTRESS UNDER**
) **CALIFORNIA LAW AGAINST ALL**
) **DEFENDANTS; [PROPOSED] ORDER**
) **THEREON**
) **(Doc. 34)**

1

1 Plaintiff JESSE TREVINO and Defendants CITY OF BAKERSFIELD and RYAN MILLER, by
2 and through their attorneys of record herein, hereby stipulate and agree that:

3 1. The Plaintiff's **First Cause of Action** for violation of Plaintiff's rights secured by the
4 Fourth Amendment to the United States Constitution to be secure in his home and residence, and to be
5 free from the use of excessive force and unlawful search and/or seizure, pursuant to 42 U.S.C. Sections
6 1983, 1988 (*Monell Claim*) should be **dismissed with prejudice as to Defendant City of Bakersfield;**

7 2. The Plaintiff's **Second Cause of Action** for violation of the Rehabilitation Act of 1973,
8 29 U.S.C. Section 701 *et seq.* should be **dismissed with prejudice as to Defendant Ryan Miller;**

9 3. The Plaintiff's **Third Cause of Action** for violation of Title II of the Americans with
10 Disabilities Act of 1990, 42 U.S.C. Section 12131 *et seq.* should be **dismissed with prejudice as to**
11 **Defendant Ryan Miller;**

12 4. The Plaintiff's **Fourth Cause of Action** for violation of the Bane Civil Rights Act,
13 California Civil Code Section 52.1 under California law should be **dismissed with prejudice as to All**
14 **Defendants;** and

15 5. The Plaintiff's **Sixth Cause of Action** for intentional infliction of emotion distress under
16 California law should be **dismissed with prejudice as to All Defendants.**

17 **IT IS SO STIPULATED.**

18 Dated: February 11, 2016

RODRIGUEZ & ASSOCIATES

19 */s/ John Kawai*

By: _____

20 John Kawai,
21 Attorneys for Plaintiff

22 Dated: February 11, 2016

MARDEROSIAN & COHEN

23 */s/ Michael G. Marderosian*

24 By: _____

25 Michael G. Marderosian,
26 Attorneys for Defendants
27 above-named.
28

1 **ORDER**

2 Pursuant the stipulation of the parties hereto, the Court **ORDERS**:

3 1. The Plaintiff's First Cause of Action **DISMISSED with PREJUDICE** as to Defendant
4 City of Bakersfield;

5 2. The Plaintiff's Second Cause of is **DISMISSED with PREJUDICE** as to Defendant
6 Ryan Miller;

7 3. The Plaintiff's Third Cause of Action **DISMISSED with PREJUDICE** as to Defendant
8 Ryan Miller;

9 4. The Plaintiff's Fourth Cause of Action **DISMISSED with PREJUDICE** as to All
10 Defendants; and

11 5. The Plaintiff's Sixth Cause of Action **DISMISSED with PREJUDICE** as to All
12 Defendants.

13 IT IS SO ORDERED.

14 Dated: February 11, 2016

15 /s/ Jennifer L. Thurston
16 UNITED STATES MAGISTRATE JUDGE