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16 UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF CALIFORNIA

18 GILBERTO FAJARDO,) Case No. 1:16-CV-00699-JLT
19)
20 Plaintiff,) **STIPULATION DISMISSING CERTAIN**
21 vs.) **CLAIMS WITH PREJUDICE; [PROPOSED]**
22) **ORDER THEREON (Doc. 50)**
23)
24 CITY OF BAKERSFIELD; JUAN)
25 OROZCO; LINDY DEGEARE; and)
26 DOES 1 THROUGH 10, inclusive,)
27)
28 Defendants.)

29 **IT IS HEREBY STIPULATED**, by and between the parties hereto, by and through their
30 respective counsel of record, that the following claims be dismissed in their entirety, with prejudice:

31 **STIPULATION**

32 The parties have met and conferred multiple times regarding their respective contemplated
33 dispositive motions in this matter. They have arrived at the following stipulation and proposed order, with
34 which they propose to compromise with respect to a number of issues raised. Specifically, the parties
35 stipulate that (and request that the Court enter an order confirming that):

1 **PROPOSED ORDER**

2 Before the Court is a Stipulation among the parties with which they propose to resolve certain
3 issues arising with respect to contemplated dispositive motions by means of a compromise. Good cause
4 appearing, the Court adopts the parties' Stipulation and orders that:

5 1. The following claims for relief in the Plaintiffs' Complaint are **DISMISSED WITH**
6 **PREJUDICE** with each side to bear its own fees and costs as to those claims: (a) Third Claim for
7 Municipal Liability – Ratification (42 U.S.C. § 1983); (b) Fourth Claim for Municipal Liability –
8 Inadequate Training (42 U.S.C. § 1983); and (c) Fifth Claim for Municipal Liability – Unconstitutional
9 Custom, Practice or Policy (42 U.S.C. § 1983).

10 2. Defendants will forego filing a motion for summary judgment as to the remaining causes
11 of action.

12 IT IS SO ORDERED.

13 Dated: October 28, 2019

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