

1 ARTURO J. GONZÁLEZ (CA SBN 121490)  
 AGonzalez@mofocom  
 2 JESSICA L. GRANT (CA SBN 178138)  
 JGrant@mofocom  
 3 MATTHEW A. CHIVVIS (CA SBN 251325)  
 MChivvis@mofocom  
 4 ROBERT S. SANDOVAL (CA SBN 311032)  
 RSandoval@mofocom  
 5 MEREDITH L. ANGUEIRA (CA SBN 333222)  
 MAngueira@mofocom  
 6 MORRISON & FOERSTER LLP  
 425 Market Street  
 7 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 8 Facsimile: 415.268-7522

9 Attorneys for Plaintiffs  
 WALTER W. WELLS and SCOTT McFARLANE

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

WALTER W. WELLS and SCOTT  
 McFARLANE,

Plaintiffs,

v.

COUNTY OF STANISLAUS, CITY OF  
 MODESTO; STANISLAUS COUNTY  
 OFFICE OF THE DISTRICT  
 ATTORNEY; KIRK BUNCH, JON  
 EVERS; STEVE JACOBSEN; BIRGIT  
 FLADAGER; and CORY BROWN,  
 Defendant.

Case No. 1:20-cv-00770-TLN-JDP

Honorable Troy L. Nunley

**JOINT STIPULATION AND  
 ORDER DISMISSING CERTAIN  
 CLAIMS AGAINST  
 COUNTY DEFENDANTS**

1 Defendants COUNTY OF STANISLAUS; STANISLAUS COUNTY OFFICE OF THE  
2 DISTRICT ATTORNEY; BIRGIT FLADAGER; KIRK BUNCH; STEVE JACOBSON; and  
3 CORY BROWN (“County Defendants”) and Plaintiffs WALTER WELLS; and SCOTT  
4 MCFARLANE (“Plaintiffs”) through their respective counsel, hereby agree and stipulate as  
5 follows:

6 1. WHEREAS the County Defendants served Plaintiffs with a motion to dismiss on  
7 January 10, 2022;

8 2. WHEREAS Plaintiffs’ counsel and the County Defendants’ counsel have  
9 conferred in good faith to narrow their disputes;

10 3. Plaintiffs and the County Defendants stipulate and agree to dismissal of one of  
11 the County Defendants, and certain claims (or portions thereof) as follows:

12 4. Defendant Stanislaus County Office of the District Attorney is dismissed.

13 5. The “official capacity” claims against Defendant Birgit Fladager and Kirk Bunch  
14 are dismissed.

15 6. Plaintiffs’ Fourteenth Amendment claim (in the Second Cause of Action) is  
16 dismissed.

17 7. Plaintiffs’ Second Cause of Action for Fourth Amendment unreasonable seizure  
18 is dismissed against Defendant Birgit Fladager only.

19 8. Plaintiffs’ Fifth Cause of Action for false arrest and imprisonment is dismissed  
20 against Defendant Birgit Fladager only.

21 9. Plaintiffs’ Sixth Cause of Action for negligent infliction of emotional distress is  
22 dismissed against Defendant Birgit Fladager only.

23 10. Plaintiffs’ Seventh Cause of Action for intentional infliction of emotional distress  
24 is dismissed against Defendant Birgit Fladager only.

1 Dated: March 31, 2022

ARTURO J. GONZALEZ  
JESSICA L. GRANT  
MATTHEW A. CHIVVIS  
ROBERT S. SANDOVAL  
MEREDITH L. ANGUEIRA  
MORRISON & FOERSTER LLP

2  
3  
4  
5  
6 By: /s/ Arturo J. González  
Arturo J. González

7 *Attorneys for Plaintiffs*  
8 WALTER W. WELLS and SCOTT  
9 MCFARLANE

10  
11 Dated: March 31, 2022

PORTER SCOTT  
A PROFESSIONAL CORPORATION

12  
13  
14 By: \*/s/ John R. Whitefleet  
John R. Whitefleet

15 *Attorneys for Defendants*  
16 COUNTY OF STANISLAUS, STANISLAUS  
17 COUNTY OFFICE OF THE DISTRICT  
18 ATTORNEY, BIRGIT FLADAGER, KIRK  
BUNCH, STEVE JACOBSON, and CORY  
BROWN

19 *\* Parties have consented to use of their electronic signature.*

20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

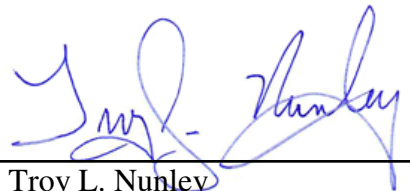
**ORDER**

Pursuant to the stipulation of the parties:

1. Defendant Stanislaus County Office of the District Attorney is dismissed.
2. The “official capacity” claims against Defendants Birgit Fladager and Kirk Bunch are dismissed.
3. The portion of Plaintiffs’ Second Cause of Action based on the Fourteenth Amendment is dismissed.
4. Plaintiffs’ Second Cause of Action for Fourth Amendment unreasonable seizure is dismissed against Defendant Birgit Fladager only.
5. Plaintiffs’ Fifth Cause of Action for false arrest and imprisonment is dismissed against Defendant Birgit Fladager only.
6. Plaintiffs’ Sixth Cause of Action for negligent infliction of emotional distress is dismissed against Defendant Birgit Fladager only.
7. Plaintiffs’ Seventh Cause of Action for intentional infliction of emotional distress is dismissed against Defendant Birgit Fladager only.

**IT IS SO ORDERED.**

Dated: April 1, 2022



---

Troy L. Nunley  
United States District Judge