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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 JASON EUGENE DEOCAMPO; JESUS
SEBASTIAN GRANT; and JAQUEZS
12 TYREE BERRY,,

13 Plaintiffs,

14 vs.

15 CITY OF VALLEJO, a municipal
corporation; ROBERT NICHELINI, in his
16 capacity as Chief of Police for the CITY
OF VALLEJO; JASON POTTS,
17 individually, and in his capacity as a
Vallejo police officer; JEREMY PATZER,
18 individually, and in his capacity as a
Vallejo police officer; ERIC JENSEN,
19 individually, and in his capacity as a
Vallejo police officer; and DOES 1 through
20 25, inclusive ,

21 Defendants.

Case No. 2:06-CV-01283-WBS-CMK

**STIPULATION AND [PROPOSED]
ORDER TO DISMISS CERTAIN CLAIMS**

Judge: Hon. William B. Schubb

Trial Date: August 6, 2013

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23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,
24 through their respective counsel of record, and approved by the Court in the accompanying Order,
25 that pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties agree as follows:

26 1. Plaintiffs agree to the dismissal, with prejudice, of their due process claims under
27 the Fifth Amendment in Plaintiffs' First Cause of Action in Plaintiffs' Complaint, filed on April
28 7, 2006.

1 2. Plaintiffs agree to the dismissal, with prejudice, of their excessive force claims
2 under the Fifth and Fourteenth Amendments in Plaintiffs' First Cause of Action in Plaintiffs'
3 Complaint, filed on April 7, 2006.

4 3. Plaintiffs agree to the dismissal, with prejudice, of their alleged claims for
5 violation of privacy under the Ninth Amendment in Plaintiffs' First Cause of Action in Plaintiffs'
6 Complaint, filed on April 7, 2006.

7 4. Plaintiffs agree to the dismissal, with prejudice, of their Equal Protection claim
8 under the Fourteenth Amendment in Plaintiffs' First Cause of Action in Plaintiffs' Complaint,
9 filed on April 7, 2006.

10 5. Plaintiffs agree to the dismissal, with prejudice, of their state claim for negligent
11 infliction of emotional distress in Plaintiffs' Sixth Cause of Action in Plaintiffs' Complaint, filed
12 on April 7, 2006.

13 6. The parties agree that each party to bear their own fees and costs in relation to
14 these dismissed claims and parties.

15 Respectfully submitted,

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17 Dated: May 8, 2013

LAW OFFICES OF JOHN L. BURRIS

LAW OFFICES OF GAYLA B. LIBET

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19 By: /s/ Gayla B. Libet

20 John L. Burris, Esq., DeWitt Lacy, Esq., Gayla B. Libet,
21 Esq.

22 Attorneys for Plaintiffs

23 Dated: May 8, 2013

MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

24 By: /s/ Noah G. Blechman

25 James V. Fitzgerald, III / Noah G. Blechman
26 Attorneys for Defendants

27 JASON POTTS, JEREMY PATZER and ERIC
28 JENSEN

ORDER

PURSUANT TO THE FOREGOING STIPULATION, THE COURT ORDERS AS FOLLOWS:

1. Plaintiffs' due process claims under the Fifth Amendment in Plaintiffs' First Cause of Action in Plaintiffs' Complaint, filed on April 7, 2006, are hereby DISMISSED WITH PREJUDICE.

2. Plaintiffs' excessive force claims under the Fifth and Fourteenth Amendments in Plaintiffs' First Cause of Action in Plaintiffs' Complaint, filed on April 7, 2006, are hereby DISMISSED WITH PREJUDICE.

3. Plaintiffs' claims for violation of privacy under the Ninth Amendment in Plaintiffs' First Cause of Action in Plaintiffs' Complaint, filed on April 7, 2006, are hereby DISMISSED WITH PREJUDICE.

4. Plaintiffs' claims for violation of Equal Protection under the Fourteenth Amendment in Plaintiffs' First Cause of Action in Plaintiffs' Complaint, filed on April 7, 2006, are hereby DISMISSED WITH PREJUDICE.

5. Plaintiffs' claims for negligent infliction of emotional distress in Plaintiffs' Sixth Cause of Action in Plaintiffs' Complaint, filed on April 7, 2006, are hereby DISMISSED WITH PREJUDICE.

6. Each party bears their own fees and costs in relation to these dismissed claims.

IT IS SO ORDERED

Dated: May 9, 2013



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE