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5 Oakland, CA 94612-4307  
6 (510) 268-8261

7 Attorney for Plaintiff  
8 KEVIN ROGERS

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11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 KEVIN ROGERS,

CASE NO. 09-CV-01864 LKK EFB

14 Plaintiffs,  
15 vs.

STIPULATION/ORDER RE DISMISSAL

16 CITY OF FAIRFIELD;  
17 ANDY'S PAWN SHOP;  
18 and DOES 1 to 100

Honorable Lawrence K. Karlton

19 Defendants./  
20

21 It is hereby stipulated, by and between the parties hereto:

- 22 1. Defendant City of Fairfield's pending Motion to Dismiss  
23 Plaintiff's First Amended Complaint calendared for hearing on  
24 August 17, 2009 at 10:00 a.m. is unopposed;
- 25 2. Named co-defendant Andy's Pawn Shop has not made an appearance  
26 in this action or in the State Court action;
- 27 3. Plaintiff Kevin Rogers and defendant City of Fairfield agree  
28 to a voluntary entry of dismissal, with prejudice, as to  
defendant City of Fairfield, its employees, agents and  
officers, only, with each party to bear its own costs/fees;
4. Plaintiff Kevin Rogers and defendant City of Fairfield further  
agree jurisdiction for the balance of this action (as to

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defendant Andy's Pawn Shop and Does 1-100) is proper in the Superior Court of California in and for the County of Solano.

Dated: August 10, 2009 LAW OFFICES OF NEIL A. COOK

By: Neil A. Cook  
Neil A. Cook  
Attorney for Plaintiff  
Kevin Rogers

Dated: 8/11/09

Meyers, Nave, Riback, Silver & Wilson  
By: Kevin Gilbert  
Kevin Gilbert  
Attorneys for Defendant  
City of Fairfield

ORDER

Good cause appearing therefore, and counsel for defendant the City of Fairfield and for plaintiff Kevin Rogers agreeing thereto, it is hereby ordered:

1. This action is voluntarily dismissed with prejudice as to defendant City of Fairfield, its employees, agents and officers, only, with each party to bear its own costs/fees;
2. Jurisdiction for this action as to remaining defendants and issues lies with the Superior Court of California in and for the County of Solano.

Dated: August 11, 2009

Lawrence K. Karlton  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

**ORIGINAL**

1 **PROOF OF SERVICE**

**FRCP RULE 5(b)**

2 I am employed in the City of Oakland and County of Alameda, California. I am over the age  
3 of 18 years and not a party to the within action. My business address is Meyers, Nave, Riback, Silver  
& Wilson, 555 12<sup>th</sup> Street, Suite 1500, Oakland, CA 94607.

4 On August 11, 2009, I served the within:

5  
6 • **STIPULATION/ORDER RE DISMISSAL**

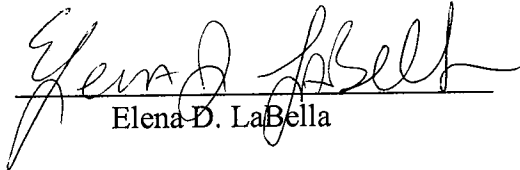
7 on the parties in this action by placing a true copy thereof in a sealed envelope, addressed as follows:

8 Neil A. Cook, Esq. 9 Law Offices of Neil A. Cook 10 1418 Lakeside Drive Oakland, CA 94612	Attorney for Plaintiff KEVIN ROGERS Telephone: (510) 268-8261
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11 <u><b>X</b></u>	(By First-Class Mail) I caused each such envelope, with postage thereon fully prepaid, to 12 be placed in the United States mail at Oakland, California. I am readily familiar with the 13 business practice for collection and processing of mail in this office; and that in the 14 ordinary course of business said document would be deposited with the U.S. Postal 15 Service in Oakland on that same day. I understand that service shall be presumed invalid 16 upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this declaration.
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17 I declare under penalty of perjury under the laws of the State of California that the foregoing  
18 is true and correct.

19 EXECUTED at Oakland, California on August 11, 2009.

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 Elena D. LaBella