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 6 **and JOHN ROBERTSON**

7
 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 **-o0o-**

11 DAVID ALLEN PUST,
 12 Plaintiff,
 13 v.
 14 CITY OF PLACERVILLE, et al,
 15 Defendants.

Case No. 2:09-CV-02730-MCE-JFM

**STIPULATION AND ORDER RE
 DISMISSAL OF CERTAIN DEFENDANTS
 AND CAUSES OF ACTION**

[Fed. R. Civ. P. 41(a)(1)(A)(ii)]

17 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY STIPULATED,
 18 by and between Plaintiff DAVID ALLEN PUST, Defendants COUNTY OF EL DORADO, JEFF
 19 NEVES and JOHN ROBERTSON, and the remaining parties in this case, by and through their
 20 respective counsel of record, that the following parties and causes of action asserted in Plaintiff's
 21 Complaint on file in this action be dismissed as follows:

- 22 1. All claims and causes of action asserted in Plaintiff's Complaint against Defendant
 23 COUNTY OF EL DORADO are hereby dismissed with prejudice.
- 24 2. All claims and causes of action asserted in Plaintiff's Complaint against Defendant JEFF
 25 NEVES are hereby dismissed with prejudice.

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- 1 3. The following causes of action asserted in Plaintiff’s Complaint against Defendant JOHN
2 ROBERTSON are hereby dismissed with prejudice: First Cause of Action, Second
3 Cause of Action, Third Cause of Action, Fourth Cause of Action, Sixth Cause of Action,
4 Seventh Cause of Action, Eighth Cause of Action, Ninth Cause of Action, Tenth Cause
5 of Action, Eleventh Cause of Action, Twelfth Cause of Action (incorrectly identified in
6 the Complaint as a second Eleventh Cause of Action). The Fifth Cause of Action
7 (Violation of the Fourth Amendment to the U.S. Constitution—Excessive Force) is not
8 hereby dismissed, and remains the only cause of action in the Complaint being asserted
9 against Defendant Robertson.
- 10 4. Each side will bear its/his own attorneys’ fees and costs with respect to the parties and
11 causes of action hereby dismissed.

12 **IT IS SO STIPULATED.**

13 Dated: June 7, 2011

CAULFIELD DAVIES & DONAHUE, LLP

14
15 By: /s/ Andrew T. Caulfield

16 Andrew T. Caulfield
17 Attorney for Defendants COUNTY OF EL
18 DORADO, JEFF NEVES, and JOHN
ROBERTSON

19 Dated: June 9, 2011

LAW OFFICE OF PETER B. TIEMANN

20
21 By: /s/ Peter B. Tiemann

22 Peter B. Tiemann
23 Attorney for Plaintiff DAVID ALLEN PUST

24 Dated: June 9, 2011

STEWART KATZ LAW OFFICES

25 By: /s/ Stewart L. Katz

26 Stewart L. Katz
27 Attorney for Plaintiff DAVID ALLEN PUST

28 [Signatures Continued on Following Page]

