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15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

17 JAY L. SCHNEIDER, ET AL.,

18 Plaintiffs,

19 v.

20 COUNTY OF SACRAMENTO, ET AL.,

21 Defendant(s).

CASE NO. 2:10-cv-02414-KJM-KJN

**STIPULATION FOR VOLUNTARY
 DISMISSAL OF ACTION WITH
 PREJUDICE AND ORDER**

Judge: Hon. Kimberly J. Mueller

Dept: 3

22
 23 **STIPULATION**

24 WHEREAS, a jury found the County liable for violating Plaintiffs' procedural
 25 and substantive due process rights and awarded damages, and the County filed
 26 motions for judgment after trial and new trial, which District Judge Kimberly J.
 27 Mueller denied by order dated March 31, 2018.

28
 STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL WITH PREJUDICE AND
 ORDER

1 WHEREAS, the County appealed the jury's verdict to the United States Court
2 of Appeals for the Ninth Circuit. The Ninth Circuit, by memorandum opinion dated
3 August 19, 2020, upheld the jury's finding of liability for violation of due process
4 as to the County. The Court affirmed the jury's finding that the County acted
5 arbitrarily and unreasonably to deprive the Schneiders of their constitutional rights.
6 However, the Ninth Circuit reversed liability as to the individual Defendants on
7 grounds of immunity and reversed and remanded damages to the District Court as
8 the jury's award of damages was excessive.

9 WHEREAS, the Court had previously set this case for a second jury trial on
10 October 11, 2023 limited to determining the amount of damages caused to the
11 Plaintiffs by the County's actions.

12 WHEREAS, prior to said trial date, the Parties hereto reached and entered
13 into a Settlement Agreement, which this Court has affirmed and ordered its
14 enforcement

15 WHEREAS, on October 6, 2023, the Court (ECF 746 Hardesty) ordered
16 enforcement of the settlement agreement made by the Parties and for the County to
17 make payment to Plaintiffs by October 26, 2023. Payment having been received the
18 settlement agreement requires Plaintiffs to dismiss the action with prejudice which
19 is requested by this pleading.

20 WHEREAS, Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure
21 provides that a Plaintiff may voluntarily dismiss an action without a court order
22 by filing a stipulation of dismissal signed by all parties who have appeared.

23 WHEREFORE, the Parties hereby stipulate that this action be dismissed with
24 prejudice as to all Defendants and in its entirety, with each Party to bear his own
25 attorneys' fees and costs, and that the Court may enter the following order upon this
26 stipulation.

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