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Officer ERIC AZARVAND and Officer
GREGORY DUNN

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DIONNE SMITH-DOWNS and JAMES E.
RIVERA, SR., both individually and as
Successors-in-Interest to the Estate of JAMES
E. RIVERA, JR.,

Plaintiffs,

vs.

Police Officer ERIC AZARVAND; Police
Officer GREGORY DUNN; Deputy Sheriff
JOHN NESBITT,

Case No: 2:10-cv-2495-CKD

**NOTICE OF DISMISSAL OF
DEFENDANT JOHN NESBITT**

Judge: Hon. Magistrate Carolyn K. Delaney

1 Defendants.

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4 PURSUANT TO THE performance of the settlement agreement between only Defendant
5 JOHN NESBITT and the County of San Joaquin, and Plaintiffs, the parties hereby stipulate to
6 the dismissal of Defendant JOHN NESBITT from the instant action within prejudice pursuant to
7 FRCP 41(a)(1), all sides to bear their own fees and costs.

8 The action regarding Defendants AZARVAND and DUNN shall continue unaffected by
9 the instant dismissal of Defendant NESBITT.

10 DATED: May 14, 2019

ANGELO, KILDAY & KILDUFF, LLP

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12 By: /s/ _____
Bruce Kilday, Esq.

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14 Attorneys for Defendants,
OFFICER ERIC AZARVAND and
OFFICER GREGORY DUNN

15
16 DATED: May 14, 2019

LAW OFFICES OF JOHN L. BURRIS

17
18 /s/ Ben Nisenbaum
James Cook
Ben Nisenbaum
Attorneys for Plaintiff
Law Offices of John Burris

19
20
21 DATED: May 14, 2019

MAYALL, HURLEY P.C.

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23 By: /s/ _____
Mark Berry, Esq.

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25 Attorneys for Defendants,
Deputy JOHN NESBITT

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ORDER

PURSUANT to stipulation, Defendant Deputy JOHN NESBITT is hereby dismissed from the instant-action with prejudice, all sides to bear their own fees and costs. The remaining claims against Defendants AZARVAND and DUNN shall continue, unaffected by the instant dismissal of Defendant NESBITT.

IT IS SO ORDERED.

Dated: May 14, 2019



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE