

1 **WILCOXEN CALLAHAM, LLP**
 2 DANIEL E. WILCOXEN, SBN 054805
 3 E. S. DEACON, SBN 127638
 4 2114 K Street
 5 Sacramento, California 95816
 6 Telephone: (916) 442-2777
 7 Facsimile: (916) 442-4118
 8
 9 Attorneys for Plaintiffs

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

11 CHASE M. RIGGI, individually and by
 12 and through his Guardian ad Litem,
 13 JAMES M. RIGGI; ESTATE OF LINDA
 14 CAROL CLARK, by and through her
 15 Successor-in-Interest, CHASE M. RIGGI,
 16 by and through his Guardian ad Litem,
 17 CHASE M. RIGGI, individually and by
 18 and through his Guardian ad Litem,
 19 JAMES M. RIGGI; MARTY HANSEN;
 20 and JOAN BEATRICE LEWIS,
 21
 22 Plaintiffs,

Case No. 2:11-CV-00753-MCE-DAD
 STIPULATION TO DISMISS
 DEFENDANT EL DORADO COUNTY,
 ONLY, WITH PREJUDICE; AND
 ORDER

FRCP 41(a)(1)

-v-

18 CITY OF PLACERVILLE; CITY OF
 19 PLACERVILLE POLICEMAN NICOLAS
 20 MAURER; CITY OF PLACERVILLE
 21 POLICE CHIEF GEORGE NIELSEN; EL
 22 DORADO COUNTY EMERGENCY
 23 SERVICES DISTRICT; EL DORADO
 24 COUNTY; MARSHALL MEDICAL
 25 CENTER; and DOES 1 through 20,
 26 inclusive,

Defendants.

_____ /

///

///

///

WILCOXEN CALLAHAM, LLP,
 2114 K Street, Sacramento, California 95816

1 The parties, by and through their respective attorneys, stipulate as follows: It is the desire of
2 the parties that the court approve this agreement and issue an order dismissing all claims against
3 Defendant EL DORADO COUNTY (including EL DORADO COUNTY MENTAL HEALTH) only,
4 with prejudice.

5
6 DATED: July 15, 2011.

WILCOXEN CALLAHAM, LLP

7
8
9 By: /s/ - E. S. Deacon
E. S. DEACON # 127638
Attorneys for Plaintiffs

10
11 DATED: July 15, 2011.

LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13 By: /s/ - Joe Salazar, Jr.
JOE SALAZAR, JR.
Attorneys for Defendant EL DORADO
14 COUNTY EMERGENCY SERVICES
15 DISTRICT

16 DATED: July 15, 2011.

BARKETT & GUMPERT

17
18
19 By: /s/ - Franklin G. Gumpert
FRANKLIN G. GUMPERT
Attorneys for Defendant EL DORADO
20 COUNTY; EL DORADO COUNTY
21 DEPARTMENT OF MENTAL HEALTH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: July 15, 2011.

FURGESON, PRAET & SHERMAN

By: /s/ - BRUCE PRAET
BRUCE PRAET
Attorneys for Defendant CITY OF
PLACERVILLE; CITY OF PLACERVILLE
POLICE DEPARTMENT; PLACERVILLE
POLICE CHIEF GEORGE NIELSEN; CITY
OF PLACERVILLE POLICEMAN NICOLAS
MAURER

DATED: July 15, 2011.

LAFOLLETTE JOHNSON


By: /s/ - JULIE CLARK MARTIN
JULIE CLARK MARTIN
Attorneys for Defendant MARSHALL
MEDICAL CENTER

ORDER TO DISMISS DEFENDANT
EL DORADO COUNTY, ONLY, WITH PREJUDICE

THE STIPULATION FOR DISMISSAL having been executed by all parties and GOOD
CAUSE APPEARING,

IT IS HEREBY ORDERED that Defendant EL DORADO COUNTY (including EL
DORADO COUNTY MENTAL HEALTH) be dismissed with prejudice.

Dated: July 19, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

2 **PROOF OF SERVICE**

3 I am a citizen of the United States, and employed in the County of Sacramento. I am over the age
4 of eighteen (18) years, and not a party to the within above-entitled action. My business address is
2114 K Street, Sacramento, CA 95816. I served:

5 **STIPULATION TO DISMISS DEFENDANT**
6 **EL DORADO COUNTY, ONLY, WITH PREJUDICE;**
7 **AND [PROPOSED] ORDER**

8 on each party listed hereinbelow, via the following method:

<p>9 Joe Salazar, Jr., Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 2850 Gateway Oaks, Suite 450 Sacramento, CA 95833 10 Tele: (916) 564-5400 Fax: (916) 564-5444 11 Email: jsalazar@lbbslaw.com Attorney for Defendant, EL DORADO COUNTY EMERGENCY SERVICES DISTRICT</p>	<p>Franklin G. Gumpert, Esq. BARKETT & GUMPERT P.O. Box 661448 Sacramento, CA 95866-1448 12 Tele: (916) 849-2480 Fax: (916) 570-3660 13 Email: barkettgumpert@surewest.net Attorney for Defendants, EL DORADO COUNTY; EL DORADO COUNTY DEPARTMENT OF MENTAL HEALTH</p>
<p>14 Bruce Praet, Esq. FURGESON, PRAET & SHERMAN 1631 East 18th Street Santa Ana, CA 92705 15 Tele: (714) 953-5300 16 Email: bpraet@aol.com Attorney for Defendants, CITY OF 17 PLACERVILLE; CITY OF PLACERVILLE POLICE DEPARTMENT; PLACERVILLE 18 POLICE CHIEF GEORGE NIELSEN; CITY OF PLACERVILLE POLICEMAN NICOLAS 19 MAURER</p>	<p>Julie Clark Martin, Esq. LAFOLLETTE JOHNSON 655 University Avenue, Suite 119 Sacramento, CA 95825 20 Tele: (916) 563-3100 21 Fax: (916) 565-3704 22 Email: JCMartin@ljdfa.com Attorney for Defendant MARSHALL MEDICAL CENTER</p>

20 **XXX Via U.S. Postal Service.** By depositing for collection and mailing, following ordinary
21 business practices (I am familiar with the business practices of the law offices of Wilcoxon
Callahan Montgomery & Deacon for collecting and processing mail, and know that the mail in said
22 office is collected and processed so that this piece of mail was deposited with the United States
Postal Service on the same date indicated hereinbelow), a true copy thereof enclosed in a sealed
envelope with postage thereon fully prepaid.

23 **XXX Via Email** or Electronic Transmission: Based on a court order or an agreement of the
24 parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to
the person[s] at the e-mail addresses set forth hereinbelow. I did not receive within a reasonable
25 time after the transmission, any electronic message or other indication that the transmission was
unsuccessful.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
and correct. Executed on July 15, 2011, at Sacramento, California.

27 /s/ Holly Mills
28 Holly Mills