

1 Herman Franck, Esq. (SBN. 123476)
 Elizabeth Vogel Betowski, Esq. (SBN. 245772)
 2 **FRANCK & ASSOCIATES**
 1801 7th Street, Suite 150
 3 Sacramento, California 95811
 Telephone (916) 447-8400
 4 Facsimile (916) 447-0720

5 Attorney for Plaintiffs Garr Ooley
 and Janis Starkey
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7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

9 GARR OOLEY

Case No. 12-CV-00095-JAM-CKD

10 Plaintiff,

STIPULATION RE DISMISSAL OF
NICOLAS MAURER; ORDER THEREON

11 vs.

13 CITRUS HEIGHTS POLICE
 DEPARTMENT, BRIAN BARRON, JANET
 14 SCHAEFER, D. CHRISTENSEN,
 CHRISTINE FORD, CHRIS BOYD, ,
 15 NICOLAS MAURER,

16 Defendants

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 18 The parties hereby STIPULATE as to the following Order of Dismissal of Defendant Nicolas
 19 Maurer:
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- 22 1. In light of the Court’s rulings on plaintiffs’ First and Second Claims for Relief [Orders
 23 dated May 25, 2012 and January 3, 2013], defendant Nicolas Maurer is hereby
 24 DISMISSED from this matter.
- 25
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1 2. The dismissal of Nicolas Maurer is made WITHOUT waiver of any appellate issues as to
2 the Court's orders dismissing the First and Second Claims for Relief and any Judgment
3 issued thereon.

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5 3. If the Orders are reversed in part or in whole, and either of the claims for relief are
6 reinstated on appeal, the dismissal as to Nicolas Maurer may be undone and Mr. Maurer
7 can be brought back into the case.

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9 4. By signing this stipulation, Defendants Citrus Heights Police Department, Brian Barron,
10 Janet Schaeffer, D Christensen, Christine Ford, and Chris Boyd do not WAIVE any of
11 their defenses, arguments or claims they have on any issue in this case.
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15 **SO STIPULATED:**

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17 **FRANCK & ASSOCIATES**

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19 _____
20 Herman Franck, Esq.
21 Attorney for Plaintiffs Garr Ooley
22 And Janis Starkey
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Dated: February ____, 2013

1 CABLE GALLAGHER LAW FIRM

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Dated: February ____, 2013

Mark Gallagher, Esq.
Attorney for Defendants Michelle R. Kirwan,
Trevor Kirwan, Leland Murray, Jr.,
Mary Murray, Stephanie Murray
Anthony Larish, Dreama C. Larish,
Alan Spinner, and Jonathan Hanley

TONON & ASSOCIATES

Dated: February ____, 2013

Gayle Tonon, Esq.
Attorney for Defendants Citrus Heights
Police Department, Brian Barron, Janet
Schaefer, D. Christensen, Christine Ford
and Chris Boyd

ORDER BASED ON STIPULATION

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The court hereby ACCEPTS the foregoing stipulation and ORDERS that Nicolas Maurer is hereby DISMISSED from this action subject to the above terms and conditions.

SO ORDERED:

Date: 3/7/2013

/s/ John A. Mendez

Hon. John A. Mendez
Judge, US District Court, Eastern District of California