

1 CLAUDIA QUINTANA  
 City Attorney, SBN 178613  
 2 BY: KELLY J. TRUJILLO  
 Deputy City Attorney, SBN 244286  
 3 CITY OF VALLEJO, City Hall  
 555 Santa Clara Street, P.O. Box 3068  
 4 Vallejo, CA 94590  
 Tel: (707) 648-4545  
 5 Fax: (707) 648-4687

6 MARK A. JONES, SBN 96494  
 KRISTEN K. PRESTON, SBN 125455  
 7 JONES & DYER  
 A Professional Corporation  
 8 1800 J Street  
 Sacramento, CA 95811  
 9 Tel: (916) 552-5959  
 Fax: (916) 442-5959  
 10

11 Attorneys for Defendants City of Vallejo, Officer Dustin B. Joseph,  
 Officer Sean G. Kenney and Vallejo Chief of Police Joseph M. Kreins  
 12

13 IN THE UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15 JOSEPH L. JOHNSON, an individual,  
 CYNTHIA A. MITCHELL, an individual,  
 16 and as successor-in-interest and personal  
 representative of decedent MARIO D.S.M.  
 17 ROMERO,

18 Plaintiffs,

19 vs.

Case No.: 2:13-CV-01072-JAM-KJN  
 (Consolidated with Case No.: 2:13-CV-  
 02060-JAM-KJN)

STIPULATION AND ORDER RE  
 VOLUNTARY DISMISSAL WITH  
 PREJUDICE OF "DOE" DEFENDANTS  
 AND SECOND, TENTH AND TWELFTH  
 CAUSES OF ACTION

20 THE CITY OF VALLEJO, a municipality  
 and charter city, POLICE OFFICER  
 21 DUSTIN B. JOSEPH, an individual,  
 POLICE OFFICER SEAN G. KENNEY,  
 22 an individual, VALLEJO CHIEF OF  
 POLICE JOSEPH M. KREINS, an  
 23 individual and DOES 1-5, inclusive,

24 Defendants.

---

25 AND CONSOLIDATED ACTIONS  
 26

---

27

28 On October 4, 2013 plaintiffs filed a complaint and demand for trial by jury in this case,

1 identifying as defendants “DOES 1-5”. Plaintiff Mitchell also alleged causes of action against  
2 Defendants Dustin Joseph and Sean Kenney for “Wrongful Death/42 U.S.C. §1983” (second cause  
3 of action) and against Defendants City of Vallejo, Dustin Joseph and Sean Kenney for negligent  
4 infliction of emotional distress (tenth cause of action). Plaintiffs Mitchell and Johnson further  
5 alleged a cause of action for violation of Ca. Civil Code section 51.7 as against Defendants City of  
6 Vallejo, Dustin Joseph and Sean Kenney (twelfth cause of action).

7 IT IS HEREBY stipulated and agreed by and between Plaintiffs CYNTHIA MITCHELL  
8 AND JOSEPH L. JOHNSON and Defendants CITY OF VALLEJO, JOSEPH M. KREINS,  
9 DUSTIN B. JOSEPH AND SEAN G. KENNEY by and through their undersigned counsel, that  
10 the “DOE” defendants identified in the complaint and the second, tenth and twelfth causes of  
11 action be dismissed with prejudice as to all defendants pursuant to Federal Rules of Civil  
12 Procedure 41(a)(2), each party to bear their own attorney’s fees and costs.

13 Dated: March 20, 2015 JONES & DYER

14  
15 By: /s/ Mark A. Jones  
16 Mark A. Jones  
17 Kristen K. Preston  
18 Attorneys for Defendants City of Vallejo,  
D. Joseph, S. Kenney and J. Kreins

19 Dated: March 20, 2015 CITY OF VALLEJO

20  
21 By: /s/ Kelly J. Trujillo  
22 Claudia Quintana  
23 Kelly J. Trujillo  
Attorneys for Defendants City of Vallejo,  
D. Joseph, S. Kenny, and J. Kreins

24 Dated: March 10, 2015 BOWLES & VERNA LLP

25  
26 By: /s/ Lawrence Goldberg  
27 Lawrence Goldberg  
28 William Nagle  
Attorneys for Plaintiffs Cynthia Mitchell and  
Joseph Johnson

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

**ORDER**

The Court, having considered the foregoing stipulation of the parties, and good cause appearing therefor, the Court hereby orders that all “DOE” defendants alleged in the complaint of Plaintiffs Cynthia Mitchell and Joseph Johnson be and hereby are dismissed.

It is further ordered that the second, tenth and twelfth causes of action alleged in the complaint of Plaintiffs Mitchell and Johnson [Docket No. 2] be and hereby are dismissed with prejudice.

The court further orders that, by stipulation, the Defendants herein are precluded from recovery of attorney’s fees and costs of litigation as to the aforementioned causes of action on the basis of this Court’s order of dismissal of these claims.

Dated: 3/23/2015

/s/ John A. Mendez  
John A. Mendez  
U.S. District Court Judge