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 9 DEPUTY DAVID McENTIRE

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

12 Estate of JOHNATHAN ROSE, deceased, by)
 13 and through his parents THEODORE)
 14 MILTON ROSE and KAREN ROSE, as)
 15 successors in interest; THEODORE MILTON)
 16 ROSE, Individually; and KAREN ROSE,)
 17 Individually,)

18 Case No. 2:13-cv-01339 TLN EFB

19 **STIPULATION AND ORDER FOR**
PARTIAL DISMISSAL

20 Plaintiffs,

21 vs.

22 COUNTY OF SACRAMENTO; Sacramento)
 23 County Sheriff SCOTT JONES; Sacramento)
 24 County Sheriff’s Department Deputy DAVID)
 25 McENTIRE (Badge #1356); and DOES 1)
 26 through 10, inclusive,)

27 Defendants.

28 Plaintiffs are represented by Stewart Katz of the Law Office of Stewart Katz. Defendants
 are represented by Van Longyear and Peter C. Zilaff of Longyear, O’Dea & Lavra, LLP.

The parties through their respective attorneys stipulate that for purposes of this action,
 only, any action taken by Sheriff Scott Jones regarding the matters pertaining to this suit were
 actions taken in his official capacity as the Sheriff of Sacramento County.

In consideration of the foregoing, the parties stipulate that the following claims and/or
 defendant shall be dismissed, with prejudice, with each party to bear its respective attorneys’ fees
 and costs:

- 1 1. The state law- wrongful death claim based upon California Government Code §
2 845.6 (Fifth Claim For Relief part **b.**) be dismissed;
3 2. The state law- wrongful death claim based upon negligent supervision, training,
4 hiring and retention (Fifth Claim For Relief part **a.**) be dismissed;
5 2. The Fourth Claim for Relief for supervisory liability claim be dismissed; and,
6 3. All claims against Sheriff Scott Jones in his individual and official capacities be
7 dismissed.

8 To be clear, the parties do not intend this stipulation to include a dismissal of the Third
9 Claim for Relief alleging, in part, a failure to supervise.

10 IT IS HEREBY STIPULATED:

11 Dated: January 6, 2015

LAW OFFICE OF STEWART KATZ

12 /S/: Stewart Katz
13 STEWART KATZ
14 Attorneys for Plaintiffs

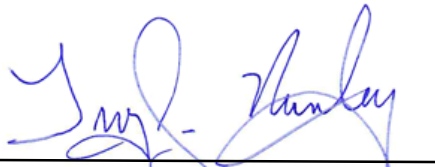
15
16 Dated: January 6, 2015

LONGYEAR, O'DEA & LAVRA, LLP

17 /S/: Van Longyear
18 VAN LONGYEAR
19 Attorneys for Defendants

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21 IT IS SO ORDERED:

22 Dated: January 14, 2015

23
24
25 
26 _____
27 Troy L. Nunley
28 United States District Judge