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 6 Attorney for Plaintiffs

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

10
 11 BILLY ROBERT COOK, MICHAEL JOHN
 12 MAROULAS, and BECKY SMISEK-
 GAGE,

13 Plaintiffs,

14 v.

15 CITY OF FAIRFIELD, a municipal
 16 corporation; FORMER CITY OF
 17 FAIRFIELD POLICE CHIEF WALT
 18 TIBBET, in his individual and official
 19 capacities; REBECCA BELK and AARON
 20 BERTSCH, individually and in their official
 21 capacities as police sergeants for the City
 of Fairfield, FRANK PIRO, KELLY
 ROMBACH, ADAM BRUNIE,
 CHRISTOPHER GRIMM, KEITH
 PULSIPHER, and DOES 1-50, individually
 and in their capacities as peace officers,

22 Defendants.

Case No.: 2:15-cv-02339-KJM-KJN

**STIPULATION AND ORDER RE
 SUBPOENAS AND DISMISSAL OF
 WALT TIBBETT**

HONORABLE KIMBERLY J. MUELLER

1 Plaintiffs Billy Robert Cook, Michael John Maroulas, and Becky Smisek-Gage, acting by
2 and through their attorney of record, and defendants City of Fairfield, Walt Tibbet, Rebecca
3 Belk, Aaron Bertsch, Frank Piro, Kelly Rombach, Adam Brunie, Christopher Grimm, and Keith
4 Pulsipher, acting by and through their attorney of record, hereby agree to the following and ask
5 the court to make their agreement a stipulation and order of the court:

6 1. Instead of serving Rebecca Belk, Aaron Bertsch, Frank Piro, Kelly Rombach, Adam
7 Brunie, Christopher Grimm, and Keither Pulsipher with trial subpoenas to compel their
8 testimony in Plaintiffs' case in chief at trial in this case, Plaintiffs' may compel their attendance
9 and testimony at trial by reasonable phone notice of 24 hours or more to Defendants' counsel.

10 2. Plaintiffs agree to dismiss with prejudice Walt Tibbet as a defendant in this action. Each
11 side to bear their own fees and costs.

12 //

1 Dated: 06/01/2018

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

2 By: /s/ Parry Black (As authorized on 06/01/2018)
3 Parry Black
4 Attorney for Defendants

5 Dated: 06/01/2018

LAW OFFICES OF JUSTIN KIRK TABAYOYON

6
7 By: /s/ Justin Kirk Tabayoyon
8 Justin Kirk Tabayoyon
9 Attorney for Plaintiffs

10 **ELECTRONIC CASE FILING ATTESTATION**

11 I, Justin Kirk Tabayoyon, am the ECF user whose identification and password are being
12 used to file the foregoing documents. Pursuant to Civil Local Rule 131(e), I hereby that
13 concurrence in the filing of these documents has been obtained from each of its Signatories.
14

15 Dated: 06/01/2018

16 By: /s/ Justin Kirk Tabayoyon
17 Justin Kirk Tabayoyon

18 **ORDER**

19 Good cause appearing the Stipulation is SO ORDERED.
20

21 Dated: June 5, 2018.

22 
23 _____
24 UNITED STATES DISTRICT JUDGE
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