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16 Attorneys for Plaintiff, JIMMY BROOKS

17 **UNITED STATES DISTRICT COURT**

18 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

19 **JIMMY BROOKS**, an individual,

20 Plaintiff,

21 vs.

22 **CITY OF VALLEJO**, a municipal
corporation; and **DOES 1-50**, inclusive,
23 individually, jointly and severally,

24 Defendants.

25 **Case No: 2:16-cv-02376-WBS-EFB**

26 **STIPULATION RE DISMISSAL OF**
27 **CERTAIN PARTIES AND CAUSES OF**
28 **ACTION IN THE FIRST AMENDED**
COMPLAINT and [PROPOSED]
ORDER

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The parties hereby stipulate and agree as follows:

1. The First Cause of Action for Violation of the Fourth Amendment of the United States Constitution – Unlawful Seizure against all defendants is dismissed with prejudice.
2. The Third Cause of Action for *Monell* – 42 U.S.C. §1983 against the City of Vallejo is dismissed with prejudice.
3. Defendants Ted Postolaki, Spencer Bottomley, and Jesse Hicks sued in their individual and official capacities in the First Amended Complaint are dismissed from the entire complaint with prejudice.
4. The Second, Fourth, Fifth, Sixth and Seventh Causes of Action remain in effect as against the remaining defendants: Jesse Irvin, Zach Jacobsen, Matt Samida and James Duncan.

SO STIPULATED.

DATED: May 31, 2018

Respectfully submitted,

/s/ Kelly J. Trujillo
 KELLY J. TRUJILLO
 Assistant City Attorney
 Attorney for CITY OF VALLEJO, et al.

DATED: May 31, 2018

/s/ James Cook
 James Cook
 Ben Nisenbaum
 Attorneys for Plaintiff
 Law Offices of John Burris

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ORDER

IT IS HEREBY SO ORDERED.

Dated: June 1, 2018



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE