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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE DUARTE,

No. C-05-2780 EMC

Plaintiff,

**ORDER DISMISSING COMPLAINT
WITH PREJUDICE**

v.

DEMARIO FREELAND, *et al.*,

Defendants.

On September 10, 2008, Plaintiff Duarte, Plaintiff’s counsel, and counsel and a representative for the remaining Defendants (“School Defendants”) other than Defendants Freeland and Mbuli (“Student Defendants”) appeared before this Court. As stipulated on the record in open court, the parties agreed to affirm a settlement of Plaintiff’s claims against the School Defendants. The parties agreed that the affirmation in open court supercedes the prior embodiment of the settlement placed on the record before Magistrate Judge Maria-Elena James.

Pursuant to the settlement agreement reached herein and placed on the record before this Court with the consent of the parties, the School Defendants tendered a check in the amount of \$15,000 to Plaintiff’s counsel. In exchange, Plaintiff agreed that this case shall be dismissed with prejudice (each side to bear their own fees and costs) and that Plaintiff waives all claims that were raised or could have been raised arising from the facts of this case as against the School Defendants (but not the Student Defendants). The parties acknowledge that each reserves the right to dispute whether the waiver herein covers any potential claim that might be brought against the School Defendants for failure to provide insurance (should Plaintiff be denied long term disability coverage in its current dispute with the insurer as described by Plaintiff’s counsel in open court).

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE DUARTE,

No. C-05-2780 EMC

Plaintiff,

v.

CERTIFICATE OF SERVICE

DIMARIO FREELAND, *et al.*,

Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Jose Duarte
5319 Broadway Terrace #103
Oakland, CA 94618

*ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING ("E-FILING")*

Dated: September 11, 2008

RICHARD W. WIEKING, CLERK

By: _____/s/
Leni Doyle
Deputy Clerk