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Attorneys for Plaintiff  
 GORDON SIMPSON

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

12 GORDON SIMPSON, )  
 13 )  
 14 ) Plaintiff, )  
 15 )  
 16 ) vs. )  
 17 )  
 18 ) OFFICERS A. McNACK, and ZENDEJAS, POLICE )  
 19 ) OFFICERS and EMPLOYEES OF BAY AREA )  
 20 ) RAPID TRANSIT DISTRICT, THE BAY AREA )  
 21 ) RAPID TRANSIT DISTRICT OFFICERS SGT. )  
 22 ) STANLEY A. NGUYEN, CERRUTI, )  
 23 ) WAYBRIGHT, POLICE OFFICERS and )  
 24 ) EMPLOYEES OF THE CITY OF HAYWARD, )  
 25 ) THE CITY OF HAYWARD, and DOES 1-20, )  
 26 )  
 27 ) Defendants. )  
 28 )

NO. 3:06-cv-04837 EMC  
 STIPULATION OF DISMISSAL  
 AND [PROPOSED] ORDER  
 (as to Defs. McNack, Zendejas and BART only)

Plaintiff GORDON SIMPSON (“Plaintiff”) and defendants OFFICER ANISA McNACK,  
 OFFICER MICHAEL ZENDEJAS and BAY AREA RAPID TRANSIT DISTRICT (collectively  
 “Defendants”), by and through their respective counsel, hereby stipulate as follows:

1. That Plaintiff’s complaint and all causes of action alleged against these stipulating Defendants be dismissed with prejudice;
2. That each side bear its own costs and attorney’s fees.

SO STIPULATED.

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1 (STIPULATION - continued)

2  
3 Dated: February 10, 2010.

4 LOW, BALL & LYNCH

5 By /s/  
6 \_\_\_\_\_  
7 DALE L. ALLEN, JR.  
8 DIRK D. LARSEN  
9 Attorneys for Defendants  
10 BAY AREA RAPID TRANSIT DISTRICT,  
11 OFFICERS McNACK and ZENDEJAS

12 Dated: February 8, 2010.

13 DLA PIPER LLP US

14 /s/  
15 By \_\_\_\_\_  
16 DAVID PRIEBE  
17 TIMOTHY LOHSE  
18 MARC BELLOLI  
19 Attorneys for Plaintiff  
20 GORDON SIMPSON

21 ~~[PROPOSED]~~ ORDER

22 Pursuant to the stipulation of the above parties, plaintiff GORDON SIMPSON's complaint is  
23 hereby DISMISSED WITH PREJUDICE as to defendants OFFICER ANISA McNACK, MICHAEL  
24 ZENDEJAS and BAY AREA RAPID TRANSIT DISTRICT, each side to bear its own costs and  
25 attorney's fees.

26 IT IS SO ORDERED.

27 Dated: 2/12/10  
28 \_\_\_\_\_

