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PATRICK R. CO, ESQ. BAR #: 200160
2 ALAN J. CHANG, ESQ. BAR #: 263900
CLAPP, MORONEY, BELLAGAMBA, VUCINICH,
3 BEEMAN and SCHELEY
A PROFESSIONAL CORPORATION
4 1111 Bayhill Drive, Suite 300
San Bruno, CA 94066
5 (650) 989-5400 (650) 989-5499 FAX

6 Attorneys for Defendant
OFFICER ANTWAN NGUYEN

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 GORDON SIMPSON,

11 Plaintiff,

12 v.

13 OFFICER ANTWAN NGUYEN,

14 Defendants.
15
16

CASE NO.: CV 06-04837 EMC

**STIPULATION ON SETTLEMENT AND
(proposed) ORDER VACATING JURY
VERDICT, JUDGMENT AND SPECIAL
VERDICT FINDINGS FROM TRIAL**

17 Plaintiff GORDON SIMPSON and Defendant OFFICER ANTWAN NGUYEN hereby
18 stipulate to settle the entire matter identified above, pursuant to the express terms contained in a
19 separate release, for the total amount of SIXTY-EIGHT THOUSAND DOLLARS (\$68,000.00). This
20 payment of \$68,000.00 includes all attorney's fees, and pursuant to this stipulation, counsel for
21 Plaintiff GORDON SIMPSON explicitly waives all rights to claim any attorney's fees. Settlement
22 is expressly conditioned on the parties' stipulation that the judgment and special verdict findings as
23 to Defendant OFFICER ANTWAN NGUYEN from the trial conducted on May 10, 2010 to May 14,
24 2010 will be vacated by the Court.

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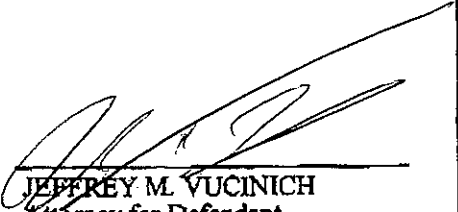
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28 STIPULATION ON SETTLEMENT AND (proposed) ORDER
VACATING JURY VERDICT, JUDGMENT AND SPECIAL
VERDICT FINDINGS FROM TRIAL;
CASE NO. CV 06-04837 EMC


G:\Data\DOCS\0487\04137\Stipulation on Settlement.wpd

1 IT IS SO STIPULATED.

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3 Dated: July 15, 2010


JEFFREY M. VUCINICH
Attorney for Defendant
OFFICER ANTWAN NGUYEN

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7 Dated: July 8, 2010


GORDON SIMPSON
Plaintiff

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9
10 Dated July __, 2010

DAVID PRIEBE
Attorney for Plaintiff
GORDON SIMPSON

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14 [PROPOSED] ORDER

15 PURSUANT TO THE STIPULATION ABOVE, IT IS SO ORDERED: In light of Plaintiff
16 GORDON SIMPSON and Defendant ANTWAN NGUYEN's agreement to settle the above titled case
17 for the total amount of \$68,000.00, which includes all attorney's fees, this Court hereby upholds this
18 settlement, and accordingly vacates the jury's findings, judgment, and special verdict findings from
19 the jury trial conducted from May 10, 2010 to May 14, 2010 as to OFFICER ANTWAN NGUYEN.

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21 Dated:

Honorable Judge Edward M. Chen
MAGISTRATE JUDGE OF THE
UNITED STATES DISTRICT COURT

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28 STIPULATION ON SETTLEMENT AND (proposed) ORDER
VACATING JURY VERDICT, JUDGMENT AND SPECIAL
VERDICT FINDINGS FROM TRIAL;
CASE NO. CV 06-04837 EMC

1 IT IS SO STIPULATED.

2
3 Dated: July __, 2010

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5 JEFFREY M. VUCINICH
6 Attorney for Defendant
7 OFFICER ANTWAN NGUYEN

8
9 Dated: July __, 2010

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11 GORDON SIMPSON
12 Plaintiff

13
14 Dated July 8, 2010

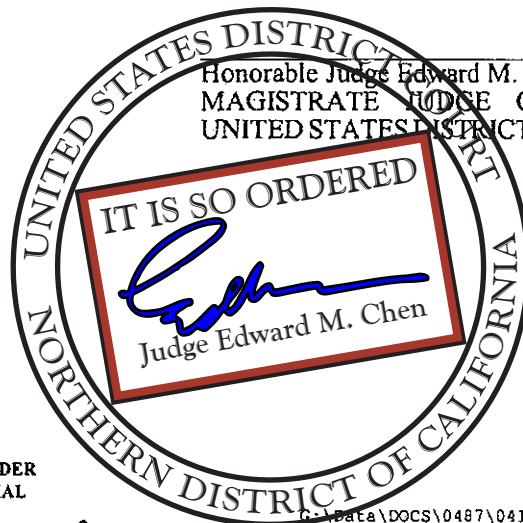
15
16 DAVID FRIEBE
17 Attorney for Plaintiff
18 GORDON SIMPSON

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20 ~~[PROPOSED]~~ ORDER

21 PURSUANT TO THE STIPULATION ABOVE, IT IS SO ORDERED: In light of Plaintiff
22 GORDON SIMPSON and Defendant ANTWAN NGUYEN's agreement to settle the above titled case
23 for the total amount of \$68,000.00, which includes all attorney's fees, this Court hereby upholds this
24 settlement, and accordingly vacates the jury's findings, judgment, and special verdict findings from
25 the jury trial conducted from May 10, 2010 to May 14, 2010 as to OFFICER ANTWAN NGUYEN.

26
27 Dated: 7/22/10

28
Honorable Judge Edward M. Chen
MAGISTRATE JUDGE OF THE
UNITED STATES DISTRICT COURT



STIPULATION ON SETTLEMENT AND (proposed) ORDER
VACATING JURY VERDICT, JUDGMENT AND SPECIAL
VERDICT FINDINGS FROM TRIAL;
CASE NO. CV 06-04837 EMC

1 **GORDON SIMPSON v. OFFICERS A. McNACK and ZENDEJAS, et al.**
2 U.S. District Court, Northern District of California Case No. C06-04837 EMC

3 **PROOF OF SERVICE - Civil**
4 [Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

5 **METHOD OF SERVICE:**

- 6 ☐ By Personal Service ☐ By Mail ☐ By Overnight Delivery
7 ☐ By Messenger Service ☐ By Facsimile ☒ By E-Mail/Electronic Transmission

- 8 1. I am a citizen of the United States and am employed in the County of San Mateo, State of
9 California. I am over the age of 18 years and not a party to the within action.
10 2. My place of employment is 1111 Bayhill Drive, Suite 300, San Bruno, CA 94066.
11 3. On the date set forth below, I caused to be served a true and correct copy of the document
12 described as:

13 **STIPULATION ON SETTLEMENT AND (proposed) ORDER VACATING JURY**
14 **VERDICT, JUDGMENT AND SPECIAL VERDICT FINDINGS FROM TRIAL**

- 15 4. I served the document on the persons below, as follows:

16 David Priebe, Esq.
17 Timothy Lohse, Esq.
18 Marc Belloli, Esq.
19 DLA Piper LLP US
20 2000 University Avenue
21 East Palo Alto, CA 94303
22 Tel: (650) 833-2000
23 Fax: (650) 833-2001
24 david.priebe@dlapiper.com
25 timothy.lohse@dlapiper.com
26 marc.belloli@dlapiper.com
27 **Attorneys for Plaintiff GORDON**
28 **SIMPSON**

Michael Lawson, Esq.
City Attorney
Hall of Justice
777 B Street, 4th Floor
Hayward, CA 94541
Tel: (510) 583-4450
Fax: (510) 583-3660
Email: michael.lawson@hayward-ca.gov
Attorney for defendant CITY OF
HAYWARD

5. The document was served by the following means (specify):

- 21 a. ☐ **BY PERSONAL SERVICE.** I personally delivered the documents to the
22 persons at the addresses listed in item 4. (1) For a party represented by an
23 attorney, delivery was made to the attorney or at the attorney's office by
24 leaving the documents in an envelope or package clearly labeled to identify
25 the attorney being served with a receptionist or an individual in charge of the
26 office. (2) For a party, delivery was made to the party or by leaving the
27 documents at the party's residence with some person not less than 18 years of
28 age between the hours of eight in the morning and six in the evening.
- b. ☐ **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope
or package addressed to the persons at the addresses in item 4 and (specify
one):
- (1) ☐ deposited the sealed envelope with the United States Postal Services,
with the postage fully prepaid.

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- (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

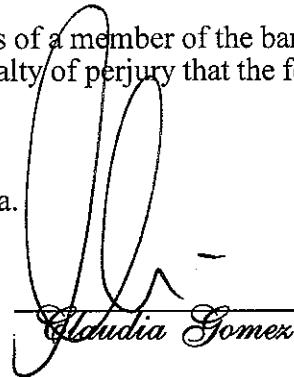
I am resident or employed in the County where the mailing occurred. The envelope or package was placed in the mail at San Bruno, California, County of San Mateo.

- c. ☐ **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 4. I place the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **BY MESSENGER SERVICE.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 4 and providing them to a professional messenger service for service.
- e. ☐ **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 4. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email addresses listed in item 4. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ **(Federal)** I declare that I am employed in the offices of a member of the bar of this court at whose direction this service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2010, at San Bruno, California.



Claudia Gomez

Proof of Service - Civil
[Code of Civ.Proc. §§ 1011, 1013, 1013a, 2015.5]