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6 Attorneys for Defendant
 OFFICER ANTWAN NGUYEN

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 GORDON SIMPSON,
 11 Plaintiff,
 12 v.
 13 OFFICER ANTWAN NGUYEN,
 14 Defendants.

CASE NO.: CV 06-04837 EMC

**DEFENDANT ANTWAN NGUYEN'S
 REQUEST TO WITHDRAW MOTIONS
 AND (proposed) ORDER VACATING
 ALL PENDING MOTIONS**

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 17 As a result of the Honorable Judge Edward M. Chen's Order entered on July 22, 2010 on the
 18 above titled case, which vacated the jury's verdict, judgment, and special verdict findings from the
 19 jury trial conducted from May 10, 2010 to May 14, 2010 as to OFFICER ANTWAN NGUYEN,
 20 Defendant NGUYEN hereby requests to withdraw all pending motions on this case. Such motions
 21 include Defendant's Motion for Judgment on Qualified Immunity, Renewed Motion for Judgment as
 22 a Matter of Law, and Motion for New Trial. These motions are all currently set for hearing on August
 23 25, 2010, and their docket numbers are 184, 193, and 196.

24 DATED: July 23, 2010

CLAPP, MORONEY, BELLAGAMBA,
 VUCINICH, BEEMAN and SCHELEY

25
 26 By: 
 27 JEFFREY M. VUCINICH, Attorney for
 Defendant OFFICER ANTWAN NGUYEN

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DEFENDANT ANTWAN NGUYEN'S REQUEST TO WITHDRAW
 MOTIONS AND (proposed) ORDER VACATING ALL PENDING
 MOTIONS; CASE NO. CV 06-04837 EMC

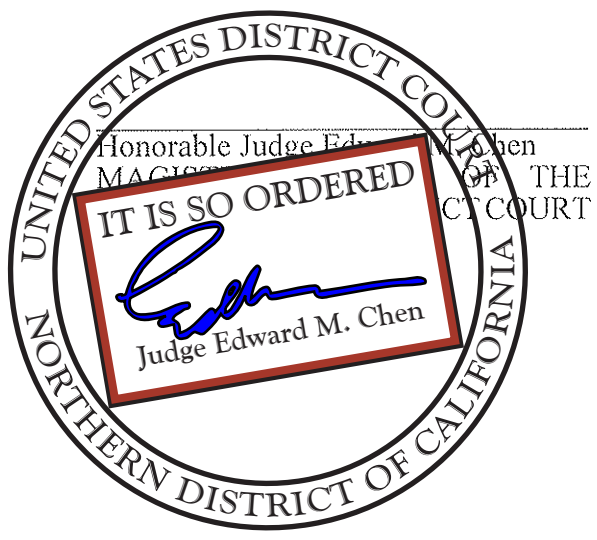
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~~[PROPOSED]~~ ORDER

PURSUANT TO THE REQUEST ABOVE, IT IS SO ORDERED: The pending motions with docket numbers 184, 193, and 196, which were set for hearing on August 25, 2010, are hereby vacated by this Court.

Dated: 7/26/10



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 **DEFENDANT ANTWAN NGUYEN'S REQUEST TO WITHDRAW MOTIONS AND
14 (proposed) ORDER VACATING ALL PENDING MOTIONS**

- 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
East Palo Alto, CA 94303
Tel: (650) 833-2000
Fax: (650) 833-2001
david.priebe@dlapiper.com
timothy.lohse@dlapiper.com
marc.belloli@dlapiper.com
**Attorneys for Plaintiff GORDON
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**

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

- 22 a. **BY PERSONAL SERVICE.** I personally delivered the documents to the
23 persons at the addresses listed in item 4. (1) For a party represented by an
24 attorney, delivery was made to the attorney or at the attorney's office by
25 leaving the documents in an envelope or package clearly labeled to identify
26 the attorney being served with a receptionist or an individual in charge of the
27 office. (2) For a party, delivery was made to the party or by leaving the
28 documents at the party's residence with some person not less than 18 years of
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 (1) deposited the sealed envelope with the United States Postal Services,
2 with the postage fully prepaid.
- 3 (2) placed the envelope for collection and mailing, following our ordinary
4 business practices. I am readily familiar with this business's practice
5 for collecting and processing correspondence for mailing. On the
6 same day that correspondence is placed for collection and mailing, it
7 is deposited in the ordinary course of business with the United States
8 Postal Service, in a sealed envelope with postage fully prepaid.

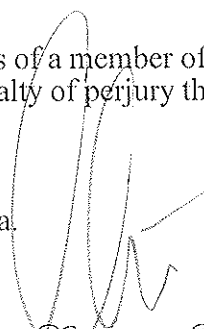
I am resident or employed in the County where the mailing occurred. The envelope or package was placed in the mail at San Bruno, California, County of San Mateo.

- 8 c. **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope
9 or package provided by an overnight delivery carrier and addressed to the
10 persons at the addresses in item 4. I place the envelope or package for
11 collection and overnight delivery at an office or a regularly utilized drop box
12 of the overnight delivery carrier.
- 13 d. **BY MESSENGER SERVICE.** I served the documents by placing them in
14 an envelope or package addressed to the persons at the addresses listed in
15 item 4 and providing them to a professional messenger service for service.
- 16 e. **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept
17 service by fax transmission, I faxed the documents to the persons at the fax
18 numbers listed in item 4. No error was reported by the fax machine that I
19 used. A copy of the record of the fax transmission, which I printed out, is
20 attached.
- 21 f. **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court
22 order or an agreement of the parties to accept service by e-mail or electronic
23 transmission, I caused the documents to be sent to the persons at the email
24 addresses listed in item 4. I did not receive, within a reasonable time after the
25 transmission, any electronic message or other indication that the transmission
26 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 23, 2010, at San Bruno, California.



Claudia Gomez

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