

1 James M. Millar, Esq., SBN: 130187
 2 Sally Morin, Esq., SBN: 191190
 3 **MILLAR & ASSOCIATES APLC**
 4 120 Montgomery Street, Suite 1600
 5 San Francisco, CA 94104
 6 Telephone: (415) 981-8100
 7 Facsimile: (415) 981-9024

6 Attorneys for defendants
 7 SALLY MORIN, ESQ., individually and as a member
 8 of the law firm of James M. Millar, Esq., JAMES M.
 9 MILLAR, ESQ., TONY TORREZ and CHAD SCHIMKE

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 CARLO ANTONIO DEL CONTE,)	Case No. C 06-5030-JSW
)	
13 Plaintiff,)	
)	
14 vs.)	ORDER DISMISSING FIRST AMENDED
)	COMPLAINT AS TO DEFENDANTS
16 THE SAN FRANCISCO POLICE)	JAMES MILLAR, SALLY MORIN, TONY
17 DEPARTMENT, OFFICER X KERWITZ,)	TORREZ AND CHAD SCHIMKE
18 individually and as a member of the San)	
19 Francisco Police Department, OFFICERS)	
20 DOE 1 through DOE 8, being fictitious)	
21 names, individually and as members of the)	
22 San Francisco Police Department, SALLY)	
23 MORIN, ESQ., individually and as a)	
24 member of the law firm of James M. Millar,)	
)	
)	
)	
Defendants)	
)	

25 IT IS HEREBY ORDERED that plaintiff CARLO ANTONIO DEL CONTE's First
 26 Amended Complaint is dismissed as to Defendants JAMES MILLAR, SALLY MORIN, TONY
 27 TORREZ, AND CHAD SCHIMKE, only, with prejudice pursuant to Fed.R.Civ.P. 41(a)(1). Each
 28

1 party shall bear their own fees and costs of suit.

2 March 23, 2009

3 Dated: _____


DISTRICT COURT JUDGE

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28