

1 **CHARLES F. BOURDON, State Bar #84782**
 2 **Law Offices of Charles F. Bourdon**
 3 **179 - 11th Street, 2nd Floor**
 4 **San Francisco, CA 94103**
 5 **415-864-5100**
 6 **415-865-0376 (fax)**

7 **BARON J. DREXEL, State Bar #132529**
 8 **Law Offices of Baron J. Drexel**
 9 **212 Ninth Street, Suite 401**
 10 **Oakland, CA 94607**
 11 **510-444-3184 (phone)**
 12 **510-444-3181 (fax)**

13 Attorneys for Plaintiff

14 **MARK A. JONES, State Bar #96494**
 15 **KRISTEN K. PRESTON, State Bar #125455**
 16 **JONES & DYER**
 17 **A Professional Corporation**
 18 **1800 J Street**
 19 **Sacramento, California 95811**
 20 **Telephone: (916) 552-5959**
 21 **Fax: (916) 442-5959**

22 Attorneys for: Defendants County of Lake, County of Lake Sheriff's Department,
23 Sheriff Rodney Mitchell and Deputy Richard Ward

24 **TERENCE J. CASSIDY, State Bar #99180**
 25 **JOHN R. WHITEFLEET, State Bar #213301**
 26 **PORTER | SCOTT**
 27 **350 University Avenue, Suite 200**
 28 **Sacramento, California 95825**
 29 **Telephone: (916) 929-1481**
 30 **Fax: (916) 927-3706**

31 Attorneys for: Defendant Deputy Paul DeShong

32 UNITED STATES DISTRICT COURT

33 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

34 BRENT BECKWAY,) NO. C 07 5072 TEH
 35) Plaintiff,)
 36 vs.) **STIPULATION AND ORDER**
 37)
 38 DEPUTY PAUL DESHONG, DOES 1 through 10,)
 39 inclusive, SHERIFF RODNEY K. MITCHELL,)
 40 COUNTY OF LAKE SHERIFF'S DEPARTMENT)
 41 and COUNTY OF LAKE,)
 42)
 43 Defendants.)
 44)

45 **STIPULATION AND ORDER RE DISMISSAL OF CLAIMS**
46 **CASE NO. C-07-5072 TEH**

1 On October 2, 2007, the plaintiff filed a complaint and demand for trial by jury in this case,
2 identifying as defendants Sheriff Rodney K. Mitchell, County of Lake Sheriff's Department, and
3 County of Lake. (Docket #1) Pursuant to prior order of this court, plaintiff's claims against the Lake
4 County Sheriff's Department were dismissed on the basis that the Sheriff's Department is not a
5 proper defendant to a section 1983 claim. (Docket #11, Section IV, at page 9 and following.)

6 Plaintiff has agreed to dismiss his claims against defendant Sheriff Rodney K. Mitchell and
7 County of Lake in exchange for the agreement of defendants Sheriff Rodney K. Mitchell, County of
8 Lake Sheriff's Department and County of Lake to waive their rights to recovery of litigation costs.

9 IT IS THEREFORE STIPULATED by and between all parties to this stipulation, by and
10 through their respective attorneys of record, that the plaintiff's claims against Sheriff Rodney K.
11 Mitchell and County of Lake be dismissed with prejudice.

12 IT IS FURTHER STIPULATED by and between all parties to this stipulation, through their
13 respective attorneys of record, that defendants Sheriff Rodney K. Mitchell, County of Lake Sheriff's
14 Department and County of Lake waive their rights to recover litigation costs against the plaintiff
15 herein.

16 Dated: November 7, 2011

LAW OFFICES OF CHARLES F. BOURDON

17

18

19

By: /s/ Charles F. Bourdon
CHARLES F. BOURDON
BARON J. DREXEL
Attorneys for Plaintiff

20

21

Dated: November 7, 2011

JONES & DYER

22

23

24

By: /s/ Mark A. Jones
KRISTEN PRESTON
Attorneys for Defendants County of County of Lake,
County of Lake Sheriff's Department and Sheriff
Rodney Mitchell, Deputy Richard Ward

25

26

27

28

STIPULATION AND ORDER RE DISMISSAL OF CLAIMS
CASE NO. C-07-5072 TEH

1 Dated: November 7, 2011

PORTER SCOTT

2
3
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

By: /s/ John R. Whitefleet
JOHN R. WHITEFLEET
Attorneys for Defendant Paul DeShong

ORDER

The Court, having considered the foregoing stipulation of the parties, and good cause appearing therefor, the Court hereby orders that plaintiff's claims against Sheriff Rodney K. Mitchell and County of Lake be, and are hereby dismissed, with prejudice. The court further orders that, by stipulation, the defendants County of Lake, County of Lake Sheriff's Department, and Sheriff Rodney K. Mitchell are precluded from recovery of costs of litigation on the basis of this Court's dismissal of plaintiff's claims against defendant Sheriff Rodney K. Mitchell, County of Lake Sheriff's Department and County of Lake.

Dated: 11/08/2011

