

1 It is hereby stipulated by and between the parties, by and through their respective counsel, as
2 follows:

3 1. On October 2, 2007, the plaintiff filed a complaint and demand for trial by jury in this
4 case, setting forth six causes of action, including the first cause of action brought pursuant to 42 U.S.C.
5 section 1983, and five causes of action based in California state law. Specifically, the claims based on
6 state law include a second cause of action for battery, a third cause of action for false arrest and illegal
7 imprisonment, a fourth cause of action for negligence, a fifth cause of action for intentional infliction
8 of emotional distress and a sixth cause of action for negligent infliction of emotional distress (the “State
9 Law Claims”). The court ordered that plaintiff’s cause of action for false arrest be dismissed as to all
10 defendants. (Docket No. 89). The court also ordered that plaintiff’s claims against the Lake County
11 Sheriff’s Department be dismissed on the basis that the Sheriff’s Department is not a proper defendant
12 to a Section 1983 claim. (Docket No. 11). The court, pursuant to stipulation of the parties, ordered that
13 plaintiff’s claims against the County of Lake and Sheriff Rodney K. Mitchell be dismissed with
14 prejudice. (Docket No. 228).

15 2. Plaintiff has agreed to dismiss all remaining State Law Claims against the remaining
16 defendants, Richard Ward and Paul DeShong. Specifically, plaintiff agrees to dismiss the second,
17 fourth, fifth and sixth causes of action in exchange for the agreement of defendants Richard Ward and
18 Paul DeShong to waive their right to recovery of litigation costs relating to the remaining State Law
19 Claims.

20 3. IT IS THEREFORE STIPULATED BY AND BETWEEN ALL PARTIES to this
21 stipulation, by and through their respective attorneys of record, that the plaintiff’s remaining State Law
22 Claims, including the second, fourth, fifth and sixth causes of action of the Complaint, be dismissed with
23 prejudice. The parties further stipulate that the trial of this matter shall proceed on the sole federal claim
24 set forth in plaintiff’s first cause of action based upon an alleged violation of plaintiff’s 4th Amendment
25 rights.

26 4. IT IS FURTHER STIPULATED BY AND BETWEEN ALL PARTIES to this stipulation,
27 by and through their respective attorneys of record, that defendants Richard Ward and Paul DeShong
28 waive their right to recover litigation costs relating to the State Law Claims set forth in the Complaint.

**STIPULATION AND ORDER FOR DISMISSAL OF STATE LAW CLAIMS
CASE NO. C-07-5072 TEH**

1 Dated: January 6, 2012

LAW OFFICES OF BARON J. DREXEL
LAW OFFICES OF CHARLES F. BOURDON

2

3

By: //s// Baron J. Drexel
BARON J. DREXEL
CHARLES F. BOURDON
Attorneys for Plaintiff

4

5

6 Dated: January 6, 2012

JONES & DYER

7

8

By: //s// Mark A. Jones
MARK A. JONES
KRISTEN K. PRESTON
Attorneys for Defendant Deputy Richard Ward

10

11

12 Dated: January 6, 2012

PORTER SCOTT
A PROFESSIONAL CORPORATION

13

14

By //s// John R. Whitefleet
TERENCE J. CASSIDY
JOHN R. WHITEFLEET
Attorney for Defendant Deputy Paul DeShong

15

16

17

ORDER

18

19 The Court, having considered the foregoing stipulation of the parties, and good cause appearing
20 therefore, hereby order that plaintiff's State Law Claims set forth in plaintiff's second, fourth, fifth and
21 sixth causes of action be, and hereby are, dismissed with prejudice.

22 The Court further orders that, by stipulation, defendants Richard Ward and Paul DeShong are
23 precluded from recovery of costs of litigation relating to plaintiff's State Law Claims on the basis of this
24 Court's dismissal of plaintiff's State Law Claims with prejudice. Trial in this matter shall proceed on the
25 first cause of action only, namely plaintiff's federal law claim of alleged violation of plaintiff's 4th
26 Amendment rights.

27 ///

28 ///

1
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

Pursuant to stipulation, it is so ordered.

Dated: 01/10/2012 _____



**STIPULATION AND ORDER FOR DISMISSAL OF STATE LAW CLAIMS
CASE NO. C-07-5072 TEH**