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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7
8 KEVIN WALKER,
9 Plaintiff,
10 v.
11 CITY OF HAYWARD, et al.,
12 Defendants.

NO. C07-6205 TEH

ORDER GRANTING MOTION FOR
DETERMINATION OF GOOD
FAITH SETTLEMENT BY
DEFENDANTS AMERICAN
DISCOUNT SECURITY AND
DAUD WARDAK

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15 Plaintiff Kevin Walker reached a settlement with Defendants American Discount
16 Security (“ADS”) and Daud Wardak, also known as David Wardak. ADS and Wardak
17 moved for a determination that the settlement was in good faith, pursuant to California Code
18 of Civil Procedure section 877.6, and noticed their motion for hearing on December 7, 2009.

19 Neither Walker nor the City of Hayward Defendants filed an opposition or statement
20 of non-opposition by the November 16, 2009 deadline. The Court’s courtroom deputy
21 telephoned counsel for these parties on November 17, 2009, and Walker filed a statement of
22 non-opposition later that day. To date, the City of Hayward Defendants have filed neither an
23 opposition nor a statement of non-opposition; the Court construes this failure, as well as
24 counsel’s failure to respond to the Court’s telephone call, as a non-opposition to the motion.

25 Accordingly, the motion for a determination of good faith settlement by Defendants
26 ADS and Wardak is hereby GRANTED as unopposed, and the December 7, 2009 hearing is
27 VACATED. This determination bars “any other joint tortfeasor or co-obligor from any
28 further claims against [ADS or Wardak] for equitable comparative contribution, or partial or

1 comparative indemnity, based on comparative negligence or comparative fault,” concerning
2 the factual allegations underlying this action. Cal. Civ. P. Code § 877.6(c).

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IT IS SO ORDERED.

Dated: 11/20/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT