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6 Attorneys for Defendants  
7 CITY AND COUNTY OF SAN FRANCISCO,  
CHIEF OF POLICE HEATHER FONG, OFFICER KEVIN HEALY,  
8 OFFICER JON KASPER AND OFFICER ROBERT DOSS

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 EDWARD YAMOAH,  
12 Plaintiff,

13 vs.

14 CITY AND COUNTY OF SAN  
15 FRANCISCO, a municipal corporation;  
HEATHER FONG, in her capacity as  
16 Chief of Police for the CITY AND  
COUNTY OF SAN FRANCISCO;  
17 KEVIN HEALY, individually and in his  
capacity as a police officer for the CITY  
18 AND COUNTY OF SAN FRANCISCO;  
JASON KRISTAL, individually and in his  
19 capacity as a police officer for the CITY  
AND COUNTY OF SAN FRANCISCO;  
20 ROBERT DOSS, individually and his  
capacity as a police officer for the CITY  
21 AND COUNTY OF SAN FRANCISCO;  
JON KASPER, individually and in his  
22 capacity as a police officer for the CITY  
AND COUNTY OF SAN FRANCISCO;  
23 and, San Francisco police officers, DOES  
1-25, inclusive,

24 Defendants.

Case No. C07-06336 JCS

**STIPULATION AND [PROPOSED]  
ORDER DISMISSING WITH  
PREJUDICE CERTAIN CLAIMS  
AGAINST ALL DEFENDANTS AND  
DISMISSING ALL CLAIMS AGAINST  
SERGEANT ROBERT DOSS AND  
OFFICER KEVIN HEALY**

Trial Date: November 9, 2009

1 The parties hereby stipulate, subject to Court approval, as follows:

2 1. All claims in Plaintiff's Complaint For Damages against Defendant Sergeant Robert  
3 Doss shall be dismissed with prejudice.

4 2. All claims in Plaintiff's Complaint For Damages against Defendant Kevin Healy shall  
5 be dismissed with prejudice.

6 3. The parties intend that the case proceed to trial based on Plaintiff's claims in the  
7 Complaint that Defendant officers Jon Kasper and Jason Kristal used excessive force against  
8 Plaintiff. Consequently, Plaintiff will not pursue any claims under the remaining Causes of Action  
9 other than those claims related to Plaintiff's claims that Defendants used excessive force against  
10 Plaintiff. For example, Plaintiff will not pursue claims including but not limited to claims for  
11 unlawful search or unlawful arrest or detention, false imprisonment claims, or any *Monell* claims.

12 4. Consistent with the stipulation between the parties, Plaintiff will pursue claims for  
13 excessive force under the First Cause of Action, claims for assault and battery under the Fourth Cause  
14 of Action, claims for intentional infliction of emotional distress through use of excessive force under  
15 the Sixth Cause of Action, and claims under the Eighth Cause of Action for violations of California  
16 Civil Code Section 52.1 for interference with Plaintiff's civil rights through use of wrongful and  
17 excessive force.

18 5. Plaintiff's Second, Third, Fifth, Seventh, and Ninth Causes of Action shall be  
19 dismissed with prejudice.

20 6. Defendants Kevin Healy and Robert Doss will not seek to recover costs or attorneys  
21 from Plaintiff based on this stipulation of dismissal. Defendants Jon Kasper, Jason Kristal, and the  
22 City and County of San Francisco will not seek to recover costs or attorneys fees from Plaintiff based  
23 on the Second, Third, Fifth, Seventh, and Ninth Causes of Action. Nothing in this stipulation shall  
24 preclude the remaining defendants from seeking to recover costs or attorneys fees from Plaintiff on  
25 the remaining causes of action listed in Paragraph 4 of this stipulation to the extent that they are  
26 entitled to collect such costs or fees under applicable law.


27 7. Plaintiff will not seek to recover costs or attorneys fees from Defendants Kevin Healy  
28 or Robert Doss. Plaintiff will also not seek to recover costs or attorneys fees from the remaining

1 defendants based on the Second, Third, Fifth, Seventh, and Ninth Causes of Action. Nothing in this  
 2 stipulation shall preclude Plaintiff from seeking to recover costs or attorneys fees from other  
 3 defendants on the causes of action listed in Paragraph 4 of this stipulation to the extent that he is  
 4 entitled to collect such costs or fees under applicable law.

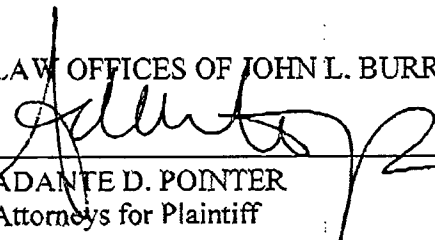
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Dated: October 23 2009

DENNIS J. HERRERA  
 City Attorney  
 JOANNE HOEPER  
 Chief Trial Deputy  
 WARREN METLITZKY  
 Deputy City Attorney

By:   
 WARREN METLITZKY  
 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 CHIEF OF POLICE HEATHER FONG, OFFICER  
 KEVIN HEALY, OFFICER JON KASPER AND  
 OFFICER ROBERT DOSS

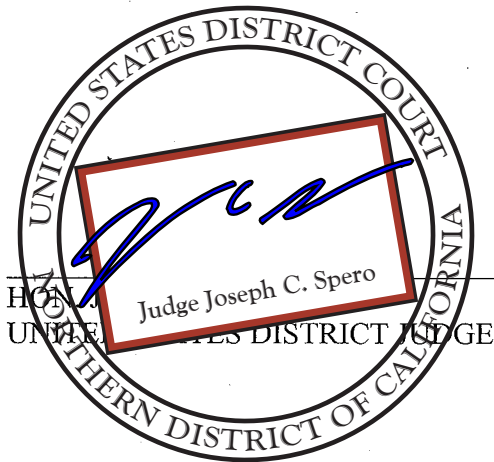
Dated: October 22, 2009

LAW OFFICES OF JOHN L. BURRIS  
 By:   
 ADANTE D. POINTER  
 Attorneys for Plaintiff

ORDER

Based on the foregoing stipulation, the Court hereby ORDERS that all claims against Defendants Sergeant Robert Doss and Officer Kevin Healy be DISMISSED WITH PREJUDICE. The Court FURTHER ORDERS that the Second, Third, Fifth, Seventh and Ninth Causes of Action shall be dismissed as to all Defendants with prejudice. The Court FURTHER ORDERS that the case will proceed on the First, Fourth, Sixth and Eight Causes of Action consistent with the parties' stipulation above.

Dated: 10/26/09



HONORABLE  
JUDGE JOSEPH C. SPERO  
UNITED STATES DISTRICT JUDGE

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