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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17

<p>18 GABRIEL J. HURST,          19          20 Plaintiff,          21 vs.          22 CITY OF ALAMEDA, a municipal corporation;          WALTER TIBBET, in his capacity as Chief of          23 Police for CITY OF ALAMEDA; RYAN          DERESPINI individually, and in his capacity a          24 police officer for CITY OF ALAMEDA; IAN          SUMMIT, individually, and in his capacity as a          25 police officer for CITY OF ALAMEDA; and,          DOES 1-25, inclusive,          26          27 Defendants.</p>	<p>Action No. C-08-02518-WDB  <b>STIPULATION AND ORDER FOR          DISMISSAL OF DEFENDANTS          CITY OF ALAMEDA AND CHIEF          OF POLICE WALTER TIBBET</b></p>
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1 The parties to this action, by and through their counsel of record, hereby stipulate to the following:

2 1. Dismissal of defendant CITY OF ALAMEDA and defendant WALTER TIBBET, Chief of  
3 Police for the CITY OF ALAMEDA from this action, except that plaintiff continues to allege, as  
4 stated in his Ninth Cause of Action, that CITY OF ALAMEDA, pursuant to Government Code  
5 Section 815.2(a), is vicariously liable to plaintiff for his injuries and damages alleged herein, incurred  
6 as a proximate result of the intentional and/or negligent wrongful conduct of defendant police officers  
7 DERESPINI; SUMMIT; and DOES 1-25, inclusive, as set forth in plaintiff's First Cause of Action,  
8 and Third through Seventh Causes of Action of his Complaint; and,

9 2. Dismissal of the Second Cause of Action and the Eighth Cause of Action from this action.

10 LAW OFFICES OF GAYLA B. LIBET

11 Dated: 2/26/09

12 By: /s/ Gayla B. Libet  
13 GAYLA B. LIBET, Esq.  
14 Attorneys for Plaintiff

15 LAW OFFICES OF JOHN L. BURRIS

16 Dated: 2/26/09

17 By: /s/ John L. Burris  
18 JOHN L. BURRIS, Esq.  
19 Attorneys for Plaintiff

20 BERTRAND, FOX & ELLIOT

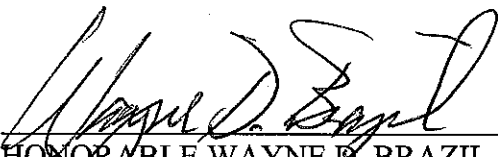
21 Dated: \_\_\_\_\_

22 By: \_\_\_\_\_  
23 GREGORY M. FOX, Esq.  
24 Attorneys for Defendants

25 **ORDER**

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: 3/2/09

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HONORABLE WAYNE B. BRAZIL  
United States District Court Magistrate Judge