

1 DENNIS J. HERRERA - 139669
 City Attorney
 2 GEORGE K. WONG - 75228
 RONALD P. FLYNN - 184186
 3 LOUISE S. SIMPSON - 115253
 DAVID L. NORMAN - 148556
 4 Deputy City Attorneys
 Fox Plaza
 5 1390 Market Street, 4th Floor
 San Francisco, CA 94102-5408
 6 Telephone: (415) 554-3901
 Facsimile: (415) 255-0733
 7 ronaldflynn@sfgov.org

8 HANSON BRIDGETT LLP
 ANDREW G. GIACOMINI - 154377
 9 agiacomini@hansonbridgett.com
 JEFFREY M. CHU - 121381
 10 jchu@hansonbridgett.com
 S. ANNE JOHNSON - 197415
 11 ajohnson@hansonbridgett.com
 425 Market Street, 26th Floor
 12 San Francisco, CA 94105
 Telephone: (415) 777-3200
 13 Facsimile: (415) 541-9366

14 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO, ANTHONY
 15 IRONS, MICHAEL QUAN, AND ALAN WONG

16 **UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 MITCHELL ENGINEERING, a California
 corporation,

20 Plaintiff,

21 v.

22 CITY AND COUNTY OF SAN
 23 FRANCISCO, [a political subdivision of
 the State of California], ANTHONY
 24 IRONS, in his individual and official
 capacity, MICHAEL QUAN, in his
 25 individual and official capacity, ALAN
 WONG, in his individual and official
 26 capacity,

27 Defendants.
 28

No. CV 08-4022 SI

**[PROPOSED] ORDER DISMISSING ALL
 CLAIMS AGAINST DEFENDANTS
 MICHAEL QUAN AND ALAN WONG
 WITH PREJUDICE**

Action Filed: August 22, 2008
 Trial Date: August 30, 2010

1 In response to Plaintiff Mitchell Engineering's filing of a Notice of Voluntary Dismissal of
2 Defendants Michael Quan and Alan Wong without prejudice on May 14, 2010 and Defendants
3 Quan's and Wong's Motions for Summary Judgment filed that same day, which objected to their
4 dismissal without prejudice, and pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court
5 hereby orders all claims against Defendants Michael Quan and Alan Wong dismissed with
6 prejudice. This dismissal with prejudice is subject to the following conditions: (1) the right to
7 pursue fees and costs for Defendants Quan's and Wong's defense and all potential claims against
8 Plaintiff Mitchell Engineering are preserved, and (2) during trial, Plaintiff Mitchell Engineering is
9 precluded from referring to purported constitutional violations by Defendants Quan and Wong
10 and any evidence referring or relating to them.

11
12 IT IS SO ORDERED

13
14 DATED: August __, 2010



15 THE HONORABLE SUSAN ILLSTON
16 JUDGE OF THE U.S. DISTRICT COURT