

C:

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8 Attorneys for Defendant
 9 HILTON HOTELS CORPORATION

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 DOANE ATWOOD, individually and on behalf
 13 of Class of Persons similarly situated,

14 Plaintiffs,

15 v.

16 CITY OF SAN RAFAEL, CHIEF MATTHEW
 17 ODETTO, OFFICER ROLEGIO LEON,
 18 OFFICER ROBERT HENKEL, OFFICER
 19 RICHARD CLARY, OFFICER AARON
 20 PIOMBO, EMBASSY SUITES HOTEL, and
 21 DOES I through X, inclusive,

22 Defendants.

Case No. CV 08 5002 EMC

**STIPULATION AND ~~PROPOSED~~
 ORDER CONDITIONALLY
 DISMISSING ACTION**

RECITALS

23 **WHEREAS**, Plaintiff DOANE ATWOOD ("Plaintiff") filed this action against
 24 defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO
 25 LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON
 26 PIOMBO AND HILTON HOTEL CORPORATION (erroneously sued as "Embassy Suites
 27 Hotel") ("Defendants") on or about November 3, 2008;

28 **WHEREAS**, the Parties attended mediation before the Honorable Charles A. Legge (Ret.)
 on June 11, 2009, and reached a general settlement including a release of all claims:

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AGREEMENT

The Parties hereby stipulate to and request the Court issue the following orders:

That all court dates and deadlines currently on calendar, including the Case Management Conference set for July 17, 2009, are vacated.

That this matter is deemed conditionally dismissed, pending the consummation of the Parties' settlement, including the execution of a settlement agreement and release of all claims, within 60 days of the Court's Order. Any Party may seek to vacate this conditional dismissal upon written motion to the Court and all other Parties to this action.

Respectfully submitted,

Date: June 17, 2009

BRUCE NICKERSON

By Bruce W. Nickerson

Bruce W. Nickerson
Attorney for Plaintiff
DOANE ATWOOD

Date: June 17, 2009

JACKSON LEWIS, LLP

By J. Allen
Jamerson C. Allen
Cortney L. McDevitt
Attorneys for Defendant
HILTON HOTELS CORPORATION

BERTRAND, FOX & ELLIOT

Dated: June 17, 2009

By _____
Tom Bertrand
Attorney for Defendants
CITY OF SAN RAFAEL, CHIEF
MATTHEW ODETTO, OFFICER
ROLEGIO LEON, OFFICER
ROBERT HENKEL, OFFICER
RICHARD CLARY, and OFFICER
AARON PIOMBO

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Respectfully submitted,

Date: June __, 2009

BRUCE NICKERSON

By _____
Bruce W. Nickerson
Attorney for Plaintiff
DOANE ATWOOD

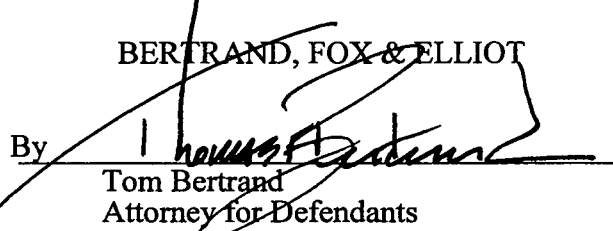
Date: June __, 2009

JACKSON LEWIS, LLP

By _____
Jamerson C. Allen
Cortney L. McDevitt
Attorneys for Defendant
HILTON HOTELS CORPORATION

Dated: June 17, 2009

BERTRAND, FOX & ELLIOT

By  _____
Tom Bertrand
Attorney for Defendants
CITY OF SAN RAFAEL, CHIEF
MATTHEW ODETTO, OFFICER
ROLEGIO LEON, OFFICER
ROBERT HENKEL, OFFICER
RICHARD CLARY, and OFFICER
AARON PIOMBO

~~PROPOSED ORDER~~

Based on the foregoing, and good cause so appearing, the Court hereby orders:

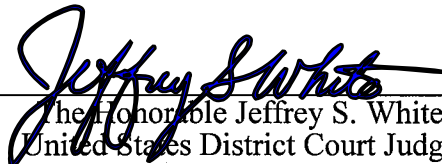
1. The Court recognizes the provisional settlement entered into by the Parties on June 11, 2009, under the auspices of the Honorable Charles A. Legg (Ret.).

2. All court dates and deadlines currently on calendar, including the Case Management Conference set for July 17, 2009, are vacated.

3. This matter is deemed conditionally dismissed, pending the consummation of the Parties' settlement, including the execution of a settlement agreement and release of all claims, within 60 days of the Court's Order. Any Party may vacate this conditional dismissal upon written motion to the Court and all other Parties to this action.

IT IS SO ORDERED.

DATED: June 18, 2009


The Honorable Jeffrey S. White
United States District Court Judge