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16 Attorneys For NORM WIELSCH

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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
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21 TIMOTHY MITCHELL, SR., and
22 PAULETTE MITCHELL, individually and as
successors in interest to TIMOTHY
23 MITCHELL, JR.,

24 Plaintiffs,

25 vs.

26 CITY OF PITTSBURG, a municipal
corporation, AARON BAKER, Police Chief,
27 LESTER GALER, police officer, and Does 1
through 210,

28 Defendants.

CASE NO.: CV 09 0794 SI

**STIPULATION FOR DISMISSAL AND
ORDER THEREON**

(JURY TRIAL DEMANDED)

1 WHEREAS the parties to this action, namely, plaintiffs TIMOTHY MITCHELL, SR.,
2 and PAULETTE MITCHELL, individually and as successors in interest to TIMOTHY
3 MITCHELL, JR., and defendants LESTER GALER, PHIL GALER, SEAN DEXTER, LOUIS
4 LOMBARDI, and NORM WIELSCH (the "Settling Parties"), have reached a mutual and
5 amicable settlement and have entered into an agreement for settlement of claims between them in
6 this action, the terms of which are set forth in writing in the Settlement Agreement and Release
7 of All Claims to fully and finally resolve all matters relating to the Settling Parties in this action
8 without trial;

9 WHEREAS the Settlement Agreement covers all of the claims between the Settling
10 Parties in this action;

11 WHEREAS the Settling Parties agree to pay their own attorney's fees and costs;

12 WHEREAS there are no further issues between the Settling Parties for the Court to
13 resolve; and

14 WHEREAS the Settling Parties have agreed that the Court should retain jurisdiction for
15 the purpose of enforcing the terms of the Settlement Agreement,

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- 17 1. Plaintiffs' action against defendants LESTER GALER, PHIL GALER, SEAN
18 DEXTER, LOUIS LOMBARDI and NORM WIELSCH shall be dismissed with
19 prejudice, with each party to bear their own attorney's fees and costs.
- 20 2. The Court shall retain jurisdiction to enforce the terms of the Settling Parties'
21 Settlement Agreement.

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IT IS SO STIPULATED.

DATED: June 11, 2014

/s/ _____
Steven Yourke
Attorney for Plaintiffs

DATED: June 11, 2014

EDRINGTON, SCHIRMER & MURPHY LLP

/s/ _____
Peter P. Edrington, Esq.
James M. Marzan, Esq.
Attorneys for Defendants LESTER GALER,
PHIL GALER, SEAN DEXTER and LOUIS
LOMBARDI

DATED: June 11, 2014

GEARY, SHEA, O'DONNELL, GRATTAN
& MITCHELL

/s/ _____
Steven C. Mitchell
Attorneys for Defendant NORM WIELSCH

ORDER

In accordance with the foregoing stipulation, IT IS HEREBY ORDERED that plaintiffs
TIMOTHY MITCHELL, SR., and PAULETTE MITCHELL, individually and as successors in
interest to TIMOTHY MITCHELL, JR., dismiss their case against defendants LESTER GALER,
PHIL GALER, SEAN DEXTER and LOUIS LOMBARDI with prejudice pursuant to F.R.C.P.
41(a)(1).

Each side will bear their own attorney's fees and costs

DATED: June 11, 2014



United States District Court Judge

ATTESTATION PURSUANT TO GENERAL ORDER 45.X.B.

I, James M. Marzan, attest that concurrence in the electronic filing of this document has
been obtained from each of the signatories. I declare under penalty of perjury under the laws of
the United States of America that the foregoing is true and correct. Executed

1 this 11th, day of June, 2014, at Pleasant Hill, California

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/s/ James M. Marzan
James M. Marzan, Esq.