

1 Steven B. Taxman (SBN 183394)
 John H. Scarpino (SBN 151377)
 2 **TAXMAN WAKEFORD**
 3 300 Montgomery Street, Suite 660
 San Francisco, California 94104
 4 Telephone: (415) 578-3510
 Attorneys for Plaintiff
 5 TROY ALAN ELLER

6
 7 CAROLINE L. FOWLER, City Attorney (SBN 110313)
 JOHN J. FRITSCH, Assistant City Attorney (SBN 172182)
 8 City of Santa Rosa
 100 Santa Rosa Ave., Room 8
 9 Santa Rosa, California 95404
 Telephone: (707) 543-3040
 Attorneys for Defendants
 11 CITY OF SANTA ROSA; SANTA ROSA POLICE DEPARTMENT;
 KYLE PHILP, and TOMMY ISACHSEN
 12

13 Lauren E. Tate, (SBN 124483)
 14 TATE & ASSOCIATES
 1321 Eighth Street, Suite 4
 15 Berkeley, California 94710
 Telephone: (510) 525-5100
 Attorneys for Defendants
 17 SANTA ROSA MEMORIAL HOSPITAL and
 MARK DRAFTON
 18

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 TROY ALAN ELLER,
 22
 23 Plaintiff,

24 v.

25 CITY OF SANTA ROSA, a chartered city;
 26 SANTA ROSA POLICE DEPT., a police
 agency; KYLE PHILP, an individual and
 27 officer of the SANTA ROSA POLICE
 DEPT.; TOMMY ISACHSEN, an individual
 28 and officer of the SANTA ROSA POLICE
 DEPT.; SANTA ROSA MEMORIAL

Case No. C 09-01094 TEH

**STIPULATION PERMITTING
 PLAINTIFF TROY ALAN ELLER TO
 DISMISS WITH PREJUDICE ALL
 CLAIMS AGAINST DEFENDANT
 SANTA ROSA MEMORIAL HOSPITAL
 AND DEFENDANT MARK DRAFTON**

STIPULATED DISMISSAL

1 HOSPITAL, a California corporation; MARK
 2 DRAFTON, an individual; and DOES 1
 3 through 25, inclusive,
 4 Defendants.

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 6 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Troy Alan Eller and
 7 Defendants City of Santa Rosa, Santa Rosa Police Department, Kyle Philp, Tommy Isachsen,
 8 Santa Rosa Memorial Hospital and Mark Drafton each stipulate to permit Plaintiff Troy Alan
 9 Eller to dismiss with prejudice all claims asserted in this action against Defendant Santa Rosa
 10 Memorial Hospital and Defendant Mark Drafton. It is further stipulated that Defendant Santa
 11 Rosa Memorial Hospital and Defendant Mark Drafton each waive all rights to any claim they
 12 may have against Plaintiff Troy A. Eller for the recovery of attorneys fees or costs.

13 The parties agree this stipulation was negotiated in good faith and that it constitutes a
 14 settlement of all claims asserted in this action by Plaintiff Troy Alan Eller against Defendant
 15 Santa Rosa Memorial Hospital and Defendant Mark Drafton. The parties further agree that the
 16 claims asserted in this action were vigorously contested and disputed by the parties.

17 The undersigned attorneys of record for the various parties to this action each certify that
 18 they are fully authorized by the party or parties represented to agree to and enter into this
 19 stipulation permitting Plaintiff Troy Alan Eller to dismiss with prejudice all claims asserted
 20 against Defendant Santa Rosa Memorial Hospital and Defendant Mark Drafton. The terms of
 21 this Stipulation shall become effective upon the Court's approval and entry of this Stipulation by
 22 the Court.

23 Accordingly, the parties each respectfully request that the Court approve and enter
 24 Plaintiff Troy Alan Eller's dismissal with prejudice of all claims asserted against Defendant
 25 Santa Rosa Memorial Hospital and Defendant Mark Drafton. Additionally, the parties further
 26 stipulate and request that the Court retain jurisdiction to oversee compliance with this Stipulation
 27 and to resolve any issues, disputes, or questions regarding the Plaintiff's dismissal of Defendant
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Santa Rosa Memorial Hospital and Defendant Mark Drafton that may arise. (See, *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 373 (1994).

Dated: ~~January 28, 2010~~
2/25/2010

TAXMAN WAKERFORD

By: Wesley Wakeford
John H. Scarpino Wesley Wakeford
Attorneys for Plaintiff
Troy A. Eller

Dated: ~~January 28, 2009~~



OFFICE OF THE CITY ATTORNEY

By: [Signature]
John J. Bartsch
Attorney for Defendants
City of Santa Rosa, Santa Rosa
Police Department, Kyle Philp and
Tommy Isachsen

Dated: January 28, 2010

TATE & ASSOCIATES

By: [Signature]
Lauren Tate
Attorneys for Defendants
Santa Rosa Memorial Hospital and
Mark Drafton

STIPULATED DISMISSAL