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 9 CITY OF FREMONT and JEREMY MISKELLA

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 JENNA HALL,	)	Case No.: CV09-1629 JL
13 Plaintiff,	)	
14 vs.	)	STIPULATION AND <del>PROPOSED</del> ORDER
15 CITY OF FREMONT; JEREMY MISKELLA;	)	
16 and DOES 1 through 50,	)	
17 Defendants.	)	
	)	
	)	

18 It is hereby stipulated by and between the parties, plaintiff JENNA HALL and defendants  
 19 CITY OF FREMONT and JEREMY MISKELLA, by and through their attorneys of record, that  
 20 plaintiff will and hereby does dismiss with prejudice her first cause of action for Violation of  
 21 Constitutional Rights Under 42 U.S.C. § 1983 against the City of Fremont and that paragraphs 22, 23  
 22 and 24 of the amended complaint be deleted from this pleading. The City of Fremont will and hereby  
 23 does withdraw its motion to dismiss as to plaintiff's first cause of action for violation of  
 24 constitutional rights under Section 1983 as to the first cause of action of plaintiff's first amended  
 25 complaint against the City of Fremont. Each side to bear their own fees and costs as to this matter.

26 Dated: September 10, 2009

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 Brad C. Brereton, Counsel for Plaintiff

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Dated: September 9, 2009

\_\_\_\_\_/s/  
Gregory M. Fox  
Counsel for Defendants, CITY OF FREMONT  
and JEREMY MISKELLA


**ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

Plaintiff’s first cause of action for Violation of Constitutional Rights Under 42 U.S.C. § 1983 against the City of Fremont is hereby dismissed with prejudice and that paragraphs 22, 23 and 24 of the amended complaint are deleted from this pleading.

IT IS FURTHER ORDERED THAT the City of Fremont’s motion to dismiss as to plaintiff’s first cause of action for violation of constitutional rights under Section 1983 naming the City of Fremont and only the City of Fremont is hereby withdrawn. Each side to bear their own fees and costs.

Dated: September 15, 2009

  
\_\_\_\_\_  
JAMES LARSON  
Chief Magistrate Judge of the  
United States District Court

**ATTORNEY ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this E-filed document.

Dated: September 10, 2009

By: \_\_\_\_\_/s/  
Gregory M. Fox