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6 Attorneys for Defendants
 City of Antioch, Antioch Police Department, James Hyde,
 7 Officer Adrian Gonzalez, Officer Aureliano Mendes, Officer
 James Stenger, Officer Rick Smith

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

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 12 JESSE JOHNSON and TIM HORTON,
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 Plaintiffs,
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 vs.
 15 CITY OF ANTIOCH, ANTIOCH POLICE
 DEPARTMENT, JAMES HYDE, Chief of
 16 Police, Antioch Police Department, in his
 individual and official capacities;
 17 OFFICER ADRIAN GONZALEZ (#4336),
 OFFICER AURELIANO MENDES (DOE
 18 1) (#4111), OFFICER JAMES STENGER
 (DOE 2) (#3604), OFFICER RICK SMITH
 19 (DOE 3) (#2310), DOES 4 THROUGH 5,
 in their individual and official capacities,,
 20
 Defendants.
 21

Case No. C09-03153 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR DISMISSAL WITH
 PREJUDICE, PER FRCP 41(A)(1)**

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 28 Case No. C09-03153 JSW -
 STIPULATION AND ORDER REGARDING
 VOLUNTARY DISMISSAL

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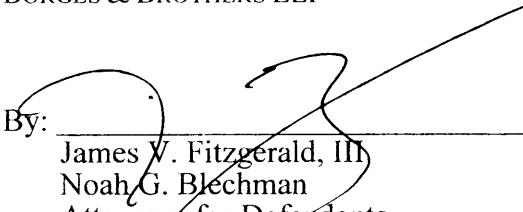
1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,
2 through their respective counsel of record, and approved by the Court in the accompanying Order,
3 that pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs voluntarily dismiss the
4 following claims, with prejudice, each party to bear their own fees and costs with regard to these
5 dismissed claims:

- 6 1. The Malicious Prosecution claim in the First Cause of Action; and
- 7 2. The Fourteenth Amendment due process claim in the First Cause of Action.

8 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

9
10 Dated: December 2, 2010

McNAMARA, NEY, BEATTY, SLATTERY,
BORGES & BROTHERS LLP

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13 By: 
14 James W. Fitzgerald, III
15 Noah G. Blechman
16 Attorneys for Defendants
17 THE CITY OF ANTIOCH, et al.

18 Dated: December 2, 2010

19 /s/ Jivaka Candappa
20 By: _____
21 Jivaka Candappa, Esq.
22 Alanna Coopersmith, Esq.
23 Attorneys for Plaintiffs
24 Jesse Johnson and Tim Horton

25 **IT IS SO ORDERED:**

26 Dated: December 2, 2010

27
28 By: 
Hon. Jeffrey S. White
United States District Court Judge