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11 Attorneys for Defendants  
12 City of Antioch, et al.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 JESSE JOHNSON and TIM HORTON,

16 Plaintiffs,

17 vs.

18 CITY OF ANTIOCH, ANTIOCH POLICE  
19 DEPARTMENT, JAMES HYDE, Chief of  
20 Police, Antioch Police Department, in his  
21 individual and official capacities;  
22 OFFICER ADRIAN GONZALEZ (#4336),  
23 OFFICER AURELIANO MENDES (DOE  
24 1) (#4111), OFFICER JAMES STENGER  
25 (DOE 2) (#3604), OFFICER RICK SMITH  
26 (DOE 3) (#2310), DOES 4 THROUGH 5,  
27 in their individual and official capacities,

28 Defendant.

Case No. C09-03153 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR RETURN OF TRIAL  
EXHIBITS AS MODIFIED**

Judge: Hon. Jeffrey S. White  
Dept: Courtroom 11, 19<sup>th</sup> Floor (SF)  
Trial Date: December 6, 2010  
Verdict: December 14, 2010

21 Plaintiffs Jesse Johnson and Tim Horton (“Plaintiffs’), and Defendants City of Antioch,  
22 Antioch Police Department, Chief James Hyde, Corporal Rick Smith, and Officers Adrian  
23 Gonzalez, James Stenger, and Aureliano Mendes (“Defendants”), by and through their respective  
24 attorneys of record, hereby stipulate to the following:

25 1. WHEREAS Defendants ask that the following trial exhibits, as specified in the  
26 Joint Exhibit List-Admitted Exhibits (See Document 170, e-filed 12/14/10), be returned to their  
27 attorney of record, Noah G. Blechman, Esq., from the law firm of McNamara, Ney, Beatty,  
28 Slattery, Borges & Brothers LLP, 1211 Newell Avenue, Walnut Creek, CA 94596: Exh. No.’s 1,

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2, 3, 8, 10, 12, 13, 15, 18, 21, 41, 43, 45, 48, 61, 96, 97, 98, 99, 150, 159, 162, and 163. These are all of the admitted exhibits with the exception of Exhibit No. 176, as referenced below.

2. WHEREAS Plaintiffs ask that the following trial exhibit be returned to their attorney of record, Jivaka Candappa, 180 Grand Avenue, Suite 700, Oakland, CA 94612: Exhibit No. 176 (Mr. Johnson’s T-Shirt with stains).

3. WHEREAS the parties agree to maintain these original exhibits for a reasonable period of time following receipt of such exhibits from the Court, pending any further actions in relation to this lawsuit.

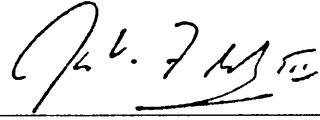
4. WHEREAS the parties agree to contact the Courtroom Deputy to arrange for the return of the exhibits identified here following receipt of the Court’s Order regarding the parties’ stipulation.

The Parties stipulate to the return of the relevant trial exhibits.

**IT IS SO STIPULATED**

Dated: January 3, 2011

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

By: 

James V. Fitzgerald, III / Noah G. Blechman  
Attorneys for Defendants  
City of Antioch, Antioch Police Department, James  
Hyde, Officer Adrian Gonzalez, Officer Aureliano  
Mendes, Officer James Stenger, Officer Rick Smith

Dated: January 3, 2011

LAW OFFICE OF JIVAKA CANDAPPA

/s/ Jivaka Candappa  
By: \_\_\_\_\_  
Jivaka Candappa / Alana Coopersmith  
Attorneys for Plaintiffs Jesse Johnson and Tim Horton

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**ORDER**

Pursuant to stipulation and on a showing of good cause, it is hereby ordered that

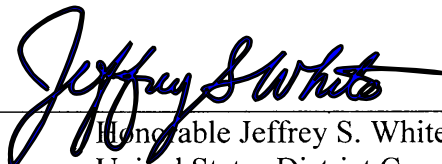
1. The following trial exhibits, as specified in the Joint Exhibit List-Admitted Exhibits (See Document 170, e-filed 12/14/10), shall be returned to Defendants' attorney of record, Noah G. Blechman, Esq., from the law firm of McNamara, Ney, Beatty, Slattery, Borges & Brothers LLP, 1211 Newell Avenue, Walnut Creek, CA 94596: Exhibit No.'s 1, 2, 3, 8, 10, 12, 13, 15, 18, 21, 41, 43, 45, 48, 61, 96, 97, 98, 99, 150, 159, 162, and 163 (all admitted exhibits with exception of Exhibit No. 176).

2. The following exhibit shall be returned to Plaintiffs' attorney of record, Jivaka Candappa, 180 Grand Avenue, Suite 700, Oakland, CA 94612: Exhibit No. 176 (Jesse Johnson's T-Shirt with stains).

3. Counsel for the parties are ordered to contact the ~~Courtroom Deputy~~ to arrange for the return of the relevant exhibits. Case Systems Administrator  
Hilary Jackson at (415) 522-4261

**IT IS SO ORDERED.**

Dated: January 4, 2011

By:   
Honorable Jeffrey S. White  
United States District Court Judge