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13 Attorney for Plaintiff,  
14 MICHAEL HARRINGTON

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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18  
19 MICHAEL HARRINGTON,

20 Plaintiff,

21 vs.

22 CITY OF NEWARK,

23 Defendant.

Case No.: C-09-3787-MMC

STIPULATION FOR DISMISSAL WITH  
PREJUDICE; ~~PROPOSED~~ ORDER

24  
25 Complaint Filed: August 18, 2009  
Trial Date: December 13, 2011

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**STIPULATION FOR DISMISSAL**

Plaintiff Michael Harrington (“Plaintiff”) and Defendant City of Newark (“Defendant”) hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed this action on August 18, 2009. In his complaint, Plaintiff alleges that, during his employment as a police officer with the Newark Police Department, Defendant failed to adequately compensate him for all overtime hours worked, in violation of the Fair Labor Standards Act (“FLSA”). Defendant disputes these allegations.

WHEREAS, in the parties’ initial Joint Case Management Statement, filed with the Court on November 30, 2009, Plaintiff indicated that he was seeking unpaid wages in the amount of \$5,857.61, an equal amount in liquidated damages, as well as attorneys’ fees and costs.

WHEREAS, shortly after this action was filed, the parties initiated good faith, informal settlement discussions and have continued those discussions to date.

WHEREAS, on or about September 29, 2010, the parties reached agreement on the terms of a global settlement that would resolve this action as well as Plaintiff’s pending state court proceedings in their entirety. The parties’ settlement agreement requires Defendant to pay Plaintiff a settlement amount of \$5,000.00. The parties agree that this settlement is a resolution of disputed matters and is not, in any way, an admission of liability, fault or wrongdoing on the part of any party.

IT IS HEREBY STIPULATED, by and between the parties of this action and through their designated counsel, that the above-entitled action will be disposed of as follows:

1. That the Court order this action be dismissed with prejudice in its entirety as to all parties pursuant to Federal Rule of Civil Procedure 41(a)(2).

2. That each side bear its own costs and attorneys’ fees.

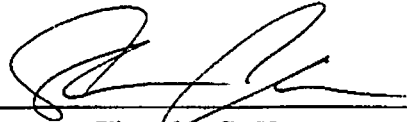
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**IT IS SO STIPULATED.**


Dated: October 6, 2010

RENNE SLOAN HOLTZMAN SAKAI LLP

By:   
Timothy G. Yeung  
Steve Cikes  
Attorneys for Defendant City of Newark

Dated: October 6, 2010

LAW OFFICE OF ARKADY ITKIN

By:   
Arkady Itkin  
Attorneys for Defendant City of Newark

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and good cause appearing therefor,  
IT IS ORDERED that this action be and is hereby DISMISSED WITH PREJUDICE,  
each side bearing its own costs and attorneys' fees.

Dated: October 7, 2010

  
The Honorable Maxine M. Chesney  
UNITED STATES DISTRICT COURT JUDGE

RENNE SLOAN HOLTZMAN SAKAI LLP  
Attorneys at Law