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5 Attorneys for Defendants  
 6 CITY OF SANTA ROSA; ED FLINT, an individual and former Chief of the  
 SANTA ROSA POLICE DEPARTMENT; SRPD Sgt. RICHARD CELLI,  
 7 SRPD Officers RYAN HEPP, BRENT JOLIFF, TIMOTHY GILLETTE,  
 ADRIA COOPER and MARLEE WELLINGTON

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 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 ALBERT THOMAS RUIZ III,  
 13 Plaintiff,

Case No. CV 09-3952 VRW

14 v.

**STIPULATION RE DISMISSAL**  
 [42 U.S.C. § 1983]

15 CITY OF SANTA ROSA, former SRPD  
 Chief ED FLINT, SRPD Officer RYAN  
 16 HEPP, SRPD Sgt. RICHARD CELLI,  
 Officers BRENT JOLIFF, TIMOTHY  
 17 GILLETTE, ADRIA COOPER, MARLEE  
 WELLINGTON, and DOES 1 to 5,  
 18 inclusive,

19 Defendants.

21 It is hereby stipulated by and between the undersigned that Plaintiff hereby  
 22 voluntarily dismisses defendant former Santa Rosa Police Chief ED FLINT without  
 23 prejudice. In consideration of said dismissal, defendants waive their right to recover  
 24 costs of litigation including attorney's fees under California Code of Civil Procedure

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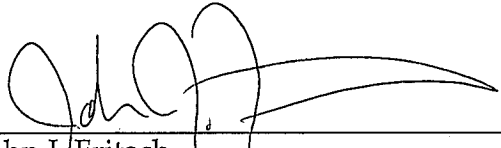
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1 section 1021.7.

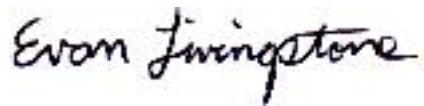
OFFICE OF THE CITY ATTORNEY

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Dated: 12/10 2009

  
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John J. Fritsch  
Assistant City Attorney  
Attorney for Defendants  
City of Santa Rosa, Ed Flint, Sgt. Celli,  
Officers Hepp, Joliff, Gillette, Cooper and  
Wellington

Dated: 12/13 2009

  
\_\_\_\_\_  
Evan Martyndale Livingstone, Esq.  
Attorney for Plaintiff  
Albert Thomas Ruiz III