

1 MAUREEN E. MCCLAIN, Bar No. 062050
 Email: mmcclain@littler.com
 2 CONSTANCE E. NORTON, Bar No. 146365
 Email: cnorton@littler.com
 3 LITTLER MENDELSON
 A Professional Corporation
 4 650 California Street
 20th Floor
 5 San Francisco, CA 94108.2693
 Telephone: 415.433.1940
 6 Facsimile: 415.399.8490

7 Attorneys for Defendant
 CITY OF SANTA ROSA
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 JAMES A MITCHEL,
 12 Plaintiff,
 13 v.
 14 CITY OF SANTA ROSA and DOES 1
 through 50, inclusive,
 15 Defendant.
 16

Case No. CV-09-5004 SI
**[PROPOSED] JUDGMENT IN FAVOR OF
 DEFENDANT CITY OF SANTA ROSA**

COMPLAINT FILED: September 30, 2009

1 On April 26, 2010, the Motion to Dismiss Second Amended Complaint and Renewed
2 Motion for Sanctions filed by Defendant City of Santa Rosa (“Defendant”) was resolved without
3 hearing by this Court pursuant to Civil Local Rule 7-1(b). *See* Docket No. 75. On July 12, 2010,
4 pursuant to the Order Granting Defendant’s Request for Attorneys’ Fees, the Court granted
5 Defendant’s requests for attorneys’ fees payable as sanctions against James A. Mitchel (“Plaintiff”)
6 and his attorney, Scott A. Lewis, jointly and severally, in the amount of \$31,618.30. *See* Docket No.
7 85.

8 Having determined pursuant to Federal Rule of Civil Procedure 12(b)(6) that
9 Plaintiff’s Second Amended Complaint fails to state a claim upon which relief can be granted, and
10 having granted, in part, Defendant’s renewed Motion for Sanctions, this Court **HEREBY ORDERS,**
11 **ADJUDGES AND DECREES** that Plaintiff take nothing and that his Second Amended Complaint
12 is **DISMISSED WITH PREJUDICE.**

13 **JUDGMENT IS HEREBY ENTERED** in favor of Defendant. Attorneys’ fees are
14 awarded to Defendant in the total sum of \$31,618.30 and shall be payable as sanctions jointly and
15 severally by Plaintiff and his counsel, Scott A. Lewis, to be paid within sixty days of the Court’s
16 July 12, 2010 Order Granting Defendant’s Request For Attorneys’ Fees. Subject to filing a timely
17 Bill of Costs, Defendant is entitled to costs allowed by law.

18 **IT IS SO ORDERED.**

19 7/26/10

20 Dated: _____



21 _____
22 HON. SUSAN ILLSTON
23 UNITED STATES DISTRICT COURT JUDGE