

1 DAVID M. HELBRAUN (SBN 129840)
HELBRAUN LAW FIRM
 2 351 California Street, Suite 900
 San Francisco, CA 94104
 3 Telephone: 415.982.4000
 Facsimile: 415.352.0988
 4 dmh@helbraunlaw.com

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 Attorneys for Plaintiff
 6 ANDREW MATTINGLY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 ANDREW MATTINGLY,

11 Plaintiff,

12 v.

13 CITY AND COUNTY OF SAN FRANCISCO, a
 14 municipal entity, SAN FRANCISCO POLICE
 DEPARTMENT, SAN FRANCISCO SHERIFF
 15 DEPARTMENT, POLICE OFFICER MILEN S.
 BANEGAS, POLICE OFFICER CONROY TAM,
 16 and DOES 1 through 100, Jointly and Severally,

17 Defendants.

) Case No. C-10-0193 JL
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) **STIPULATION DISMISSING SOME**
) **CLAIMS (OTHER CLAIMS REMAIN**
) **PENDING)**

) **FRCivP 41(a)(1)(A)**
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 20 IT IS HEREBY STIPULATED by and between Plaintiff Andrew Mattingly and all

21 Defendants, through their designated counsel of record, as follows:

22 (1) Defendants withdraw their Motion for Partial Summary Judgment;

23 (2) Plaintiff dismisses with prejudice all claims against Officer Conroy Tam, with each party to bear
 24 their own costs and attorneys' fees;

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 STIPULATION AND PROPOSED [ORDER] RE DISMISSAL OF SOME CLAIMS (OTHER CLAIMS REMAIN
 PENDING): FRCivP 41(a)(1)(A) Case No. C-10-0193 JL

1 (3) Plaintiff dismisses with prejudice all claims against the City and County of San Francisco except
2 those for vicarious liability (*respondeat superior*) for any negligence on the part of their employee,
3 Officer Milen S. Banegas, based on her alleged use of force;

4 (4) Plaintiff dismisses with prejudice all claims against Officer Milen S. Banegas except for
5 excessive force under 42 U.S.C. § 1983, a violation of California Civil Code § 52.1, negligence
6 based on her alleged force, assault, and battery.
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8 Plaintiff's remaining causes of action consist exclusively of the following: (1) a claim against
9 Officer Banegas for excessive force under 42 U.S.C. § 1983; (2) a claim against Officer Banegas for
10 a violation of California Civil Code § 52.1; (3) a claim against Officer Banegas for assault and
11 battery; (4) a claim against Officer Banegas for negligence based on her alleged force; (5) a claim
12 against the City and County of San Francisco for vicarious liability (*respondeat superior*) for any
13 negligence on the part of Officer Banegas based on her alleged use of force.
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15 IT IS SO STIPULATED.

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17 DATED: June 3, 2011

HELBRAUN LAW FIRM

18 /s/ David M. Helbraun

19 _____
DAVID M. HELBRAUN
Attorneys for Plaintiff
20 ANDREW MATTINGLY

21 DATED: June 3, 2011

DENNIS J. HERRERA
SAN FRANCISCO CITY ATTORNEY

23 /s/ Joshua S. White

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JOSHUA S. WHITE
Attorneys for Defendants
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ORDER
PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6.6.11



HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge