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1 2 3 4 5	JAMES V. FITZGERALD, III (State Bar No. 55632) NOAH G. BLECHMAN (State Bar No. 197167) MCNAMARA, NEY, BEATTY, SLATTERY, BORGES & BROTHERS LLP 1211 Newell Avenue Post Office Box 5288 Walnut Creek, CA 94596 Telephone: (925) 939-5330 Facsimile: (925) 939-0203		
6 7	Attorneys for Defendants City of Concord and Mike Kindorf		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	TROY WHITE,	Case No. C10-2237 MMC	
12	Plaintiff,	STIPULATION AND TRANSPORTED	
13	VS.	ORDER FOR DISMISSAL OF SEVERAL CLAIMS FROM PLAINTIFF'S FIRST	
14	CITY OF CONCORD, MIKE KINDORF, and DOES 1 through 50,,	AMENDED COMPLAINT, WITH PREJUDICE, PER FRCP 41(A)(1)	
15	Defendants.		
16			
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action		
18	through their respective counsel of record, and approved by the Court in the accompanying Order,		
19	that pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff TROY WHITE hereby		
20	dismisses the following claims pled in the First Amended Complaint in this action, with		
21	prejudice, with each party to bear their own fees and costs with regard to these dismissed claims:		
22	1. Any and all claims for a violation of the Fifth Amendment, as alleged in the Firs		
23	Cause of Action;		
24	2. Any and all claims for a violation of the Ninth Amendment, as alleged in the Firs		
25	Cause of Action;		
26	3. Any and all claims for a violation of the Fourteenth Amendment (Equal Protection		
27	Clause), as alleged in the First Cause of Action.		

IT IS SO STIPULATED.

STIPULATION AND ORDER DISMISSING SEVERAL CLAIMS WITH PREJUDICE - C10-2237 MMC

CLAIMS WITH PREJUDICE - C10-2237 MMC

1	Dated: October <u></u> , 2010	McNamara, Ney, Beatty, Slattery, Borges & Brothers LLP
2		BORGES & BROTHERS LLP
3		
4		By: James V. Fitzgerald, III
5		Noah G. Blechman Attorneys for Defendants
6	D / 1 O / 1 2010	City of Concord and Mike Kindorf
7	Dated: October, 2010	LAW OFFICES OF EDWARD C. CASEY, JR.
8		De Seo attropped
9		By: See attricted Edward C. Casey, Jr.
10		Attorney for Plaintiff Troy White
11	DUDGUANT TO THE EODECO	NING STIBLIL ATION IT IS SO ODDEDED
12	PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.	
13	Dated: , 2010	
14	Dated, 2010	
15		
15 16		Hon. Maxine M. Chesney United States District Court Judge
		Hon. Maxine M. Chesney United States District Court Judge
16		Hon. Maxine M. Chesney United States District Court Judge
16 17		Hon. Maxine M. Chesney United States District Court Judge
16 17 18		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21 22		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21 22 23		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21 22 23 24		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21 22 23 24 25		Hon. Maxine M. Chesney United States District Court Judge
16 17 18 19 20 21 22 23 24 25 26		Hon. Maxine M. Chesney United States District Court Judge

Dated:

October 6

Dated: October, 2010	McNamara, Ney, Beatty, Slattery, Borges & Brothers LLP
;	By: James V. Fitzgerald, III Noah G. Blechman Attorneys for Defendants City of Concord and Mike Kindorf
Dated: October 4, 2010	LAW OFFICES OF EDWARD C. CASEY, JR.
	By: Edward C. Casey, Jr. Attorney for Plaintiff Troy White
PURSUANT TO THE FOR	EGOING STIPULATION, IT IS SO ORDERED.

Hon Maxine M. Chesney United States District Court Judge

STIPULATION AND ORDER DISMISSING SEVERAL CLAIMS WITH PREJUDICE - C10-2237 MMC