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17  
 18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

21 TIMOTHY GARDNER,  
 22  
 23 Plaintiff,  
 24 vs.  
 25 CITY OF BERKELEY,  
 26 Defendant.

No. C10-03410 EMC

**STIPULATION AND [PROPOSED]  
 ORDER TO DISMISS COMPLAINT  
 WITH PREJUDICE**

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**STIPULATION**

Plaintiff Timothy Gardner, Kacey Gardner, his attorney herein, and Defendant City of Berkeley, through its attorney herein, Mark J. Zembsch, hereby stipulate that plaintiff's entire Complaint is hereby dismissed with prejudice. Each party is to bear their own costs and attorney's fees.

Dated: March 19, 2012.

Respectfully submitted:

ZACH COWN, City Attorney  
SARAH REYNOSO, Assistant City Attorney  
MARK J. ZEMBSCH, Deputy City Attorney

By: \_\_\_\_\_ /s/  
MARK J. ZEMBSCH  
Attorneys for Defendant City of Berkeley

Dated: March 19, 2012

LAW OFFICES OF KACEY GARDNER

By: \_\_\_\_\_ /s/  
KACEY GARDNER  
Attorney for Plaintiff Timothy Gardner

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: March 20, 2012

EDWARD M. CHEN  
United States

