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CITY OF BERKELEY and DAVID HODGKINS

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10 Attorneys for Plaintiff  
11 TIMOTHY GARDNER

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

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16 TIMOTHY GARDNER,

17 Plaintiff,

18  
19 vs.

20 CITY OF BERKELEY, DAVID HODGKINS;  
21 DOUG HAMBLETON; ROY MEISNER;  
BOBBY MILLER,

22 Defendants.  
23

**NO. C10-03410 EMC**

**STIPULATION FOR DISMISSAL; AND  
[PROPOSED] ORDER**

Complaint Filed: June 25, 2010  
Removed to Federal Court: Aug. 3, 2010

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25 IT IS HEREBY STIPULATED by and between the parties to this action through their  
26 designated counsel that the above-captioned action be and hereby is dismissed with prejudice as to  
27 defendants ROY MEISNER and BOBBY MILLER, pursuant to FRCP 41 (a) (1). Each party to  
28 bear its own attorney fees and costs.

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SO STIPULATED.

Respectfully submitted:

ZACH COWAN, City Attorney  
MARK J. ZEMBSCH, Deputy City Attorney

Dated: April 26, 2011.

By: \_\_\_\_\_ /s/  
MARK J. ZEMBSCH, Deputy City Attorney  
Attorneys for City of Berkeley and David Hodgkins

Respectfully submitted:

BROWN | POORE LLP

Dated: April 26, 2011.

By: \_\_\_\_\_ /s/  
DAVID M. POORE  
Attorney for Plaintiff Timothy Gardner

IT IS SO ORDERED.

DATED: May 2, 2011 \_\_\_\_\_

