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12 Attorneys for Plaintiff  
 13 TIMOTHY GARDNER

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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17

18 TIMOTHY GARDNER,

**NO. C10-03410 EMC**

19 Plaintiff,

**STIPULATED DISMISSAL AND  
 [PROPOSED] ORDER**

20 vs.

22 CITY OF BERKELEY, DAVID HODGKINS;  
 DOUG HAMBLETON; ROY MEISNER;  
 23 BOBBY MILLER,

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

24 Defendants.  
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27 IT IS HEREBY STIPULATED by and between the parties to this action through their  
 28 designated counsel that the above-captioned action be and hereby is dismissed without prejudice

1 as to defendants DAVID HODGKINS and DOUG HAMBLETON, pursuant to FRCP 41(a)(1).  
2 Each party to bear its own attorney fees and costs.

3 IT IS SO STIPULATED.

4 Respectfully submitted,

5 BURNS, SCHALDENBRAND & RODRIGUEZ

6 DATED: November 10, 2011.

7 /s/  
8 EDWARD W. BURNS  
9 Attorneys for Plaintiff TIMOTHY GARDNER

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

12 DATED: November 10, 2011.

13 /s/  
14 Mark J. Zembsch  
15 Attorneys for Defendants CITY OF BERKELEY  
16 and DAVID HODGKINS

17 THE FOREGOING STIPULATION  
18 IS APPROVED AND IS SO ORDERED.

19 DATE: 11/16/11

