1 Linda Starr, Esq. (SBN 118789) Paige Kaneb, Esq. (SBN 251184) 2 NORTHERN CALIFORNIA INNOCENCE PROJECT 500 El Camino Real 3 Santa Clara, CA 9503-4022 Telephone: 408.554.1945 4 Facsimile: 408.554.5440 5 Laurence O. Masson, Esq. (SBN 8779) LAW OFFICE OF LAURENCE O. MASSON 2625 Alcatraz Avenue, #206 Berkely, CA 94705 7 Telephone: 510.735.9693 10 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 10 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 12 Plaintiff, 13 BISMARCK F. DINIUS, 14 BISMARCK F. DINIUS, 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in 18 his Individual Capacity; PLOYD WELLS, in his Individual Capacity; JAMES BAUMAN, 10 Individual Capacity; LABAUGH, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; CHARLES F. 21 Defendants. 22 Defendants.				
500 EI Camino Real Santa Clara, CA 95053-4022 Telephone: 408.554.1945 Facsimile: 408.554.1945 Facsimile: 408.554.1945 Laurence O, Masson, Esq. (SBN 8779) LAW OFFICE OF LAURENCE O. MASSON 2625 Alcatraz Avenue, #206 Berkeley, CA 94705 7 Telephone: 510.735.9691 Facsimile: 510.735.9693 Iomlex @gmail.com 0 Counsel for Plaintiff Bismarck F. Dinius 10 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 12 13 14 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, vs. 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity: RODNEY K. MITCHELL, in his Individual/Official Capacity: ON REQUEST AND [proposed] E. HOPKINS, in his Individual Capacity: CARALES J. ORDER OF DISMISSAL ORDER OF DISMISSAL Capacity: JAMES BAUMAN, in his Individual Capacity: LLOYD WELLS, in his Individual Capacity: JAMES SAMPLES, in his Individual Capacity: CEAN A	_	Paige Kaneb, Esq. (SBN 251184)		
Telephone: 408.554.1945 Facsimile: 408.554.5440 Laurence O. Masson, Esq. (SBN 8779) LAW OFFICE OF LAURENCE O. MASSON 2625 Alcatraz Avenue, #206 Berkely, CA 94705 Telephone: 510.735.9691 Facsimile: 510.735.9693 Jonie & gmail.com Counsel for Plaintiff Bismarck F. Dinius UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ Plaintiff, vs. RUSSELL E. PERDOCK, in his Individual Capacity; RODREY K. MITCHELL, in his Individual/Official Capacities; JON REQUEST AND [proposed] ORDER OF DISMISSAL ORDER OF DISMISSAL DENNIS W. OSTINI, in his Individual Capacity; JAMES BAMUAN, in his Individual Capacity; LOYD WELLS, in his Individual Capacity; Individual Capacity; DEAN A. PICK, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF L	2	500 El Camino Real	ROJECT	
 Facsimile: 408.554.5440 Laurence O. Masson, Esq. (SBN 8779) LAW OFFICE OF LAURENCE O. MASSON 2625 Alcatraz Avenue, #206 Berkeley, CA 94705 Telephone: 510.735.9691 Facsimile: 510.735.9693 Iomlex@gmail.com Counsel for Plaintiff Bismarck F. Dinius UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ Plaintiff, vs. RUSSELL E. PERDOCK, in his Individual Capacity: RODNEY K. MITCHELL, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity: JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 	3			
LAW OFFICE OF LAURENCE O. MASSON 2625 Alcatraz Avenue, #206 Berkeley, CA 94705 Telephone: 510.735.9691 Facsimile: 510.735.9693 Jomlex@gmail.com Counsel for Plaintiff Bismarck F. Dinius UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION I3 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ I5 Plaintiff, Vs. RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in Bismarck F. DINIUS, CASE NO. CV 10 3498 MEJ E. HOPKINS, in his Individual Capacity; Capacity; RODNEY K. MITCHELL, in Bismidividual/Official Capacities; JON REQUEST AND [proposed] E, HOPKINS, in his Individual Capacity; Capacity; JAMES BAUMAN, in his Individual Capacity; COUNTY OF LAKE, apublic entity; and DOES ONE through TWENTY-FIVE, inclusive, 2 Defendants.	4	Facsimile: 408.554.5440		
6 2625 Alcatraz Avenue, #206 Berkeley, CA 94705 Telephone: 510.735.9691 Facsimile: 510.735.9693 Iomlex@gmail.com 9 Counsel for Plaintiff Bismarck F. Dinius 10 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 12 BISMARCK F. DINIUS, 13 Plaintiff, 14 BISMARCK F. DINIUS, 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity: RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity: JAMES BAUMAN, in his Individual Capacity; LOYD WELLS, in his Individual Capacity: JAMES BAUMAN, in his Individual Capacity; LOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; CLARLES F. SLABAUGH, in his Individual Capacity; and DOES ONE through TWENTY-FIVE, inclusive, Merce Composed	5	Laurence O. Masson, Esq. (SBN 8779) LAW OFFICE OF LAURENCE O MASSON		
7 Telephone: 510.735.9691 Facsimile: 510.735.9693 Jomlex@gmail.com 9 Counsel for Plaintiff Bismarck F. Dinius 10 UNITED STATES DISTRICT COURT FOR THE 11 NORTHERN DISTRICT OF CALIFORNIA 12 SAN FRANCISCO DIVISION 13 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in 18 his Individual/Official Capacities; JON REQUEST AND [proposed] 19 DENNIS W. OSTINI, in his Individual Capacity; ORDER OF DISMISSAL 10 UDYD WELLS, in his Individual Capacity; ULOYD WELLS, in his Individual 11 Capacity; IAMES BAUMAN, in his Individual Capacity; ORDER OF DISMISSAL 11 LOYD WELLS, in his Individual Capacity; UOYD WELLS, in his Individual Capacity; 12 Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; 12 Defendants.	6	2625 Alcatraz Avenue, #206		
8 Iomlex@gmail.com 9 Counsel for Plaintiff Bismarck F. Dinius 10 UNITED STATES DISTRICT COURT FOR THE 11 NORTHERN DISTRICT OF CALIFORNIA 12 SAN FRANCISCO DIVISION 13 BISMARCK F. DINIUS, 14 BISMARCK F. DINIUS, 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in 18 his Individual/Official Capacities; JON REQUEST AND [proposed] 19 DENNIS W. OSTINI, in his Individual Capacity; ORDER OF DISMISSAL 19 DENNIS W. OSTINI, in his Individual Capacity; ULOYD WELLS, in his Individual Capacity; 11 LOYD WELLS, in his Individual Capacity; UNTED SAN A. PICK, in his 10 in his Individual Capacity; COUNTY OF LAKE, a public entity; 21 Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; 23 COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 25 Defendants.	7	Telephone: 510.735.9691		
10 UNITED STATES DISTRICT COURT FOR THE 11 NORTHERN DISTRICT OF CALIFORNIA 12 SAN FRANCISCO DIVISION 13 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in REQUEST AND [proposed] 18 his Individual Capacities; JON 19 DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, ORDER OF DISMISSAL 20 DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, ORDER OF DISMISSAL 21 DEADACHY, CHARLES F. 22 Individual Capacity; DEAN A. PICK, in his 23 COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 24 Defendants. 25 Defendants. 26 1	8			
11 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 12 13 13 14 14 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity: RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; UARLES F. SLABAUGH, in his Individual Capacity; and DOES ONE through TWENTY-FIVE, inclusive, REQUEST AND [proposed] ORDER OF DISMISSAL 25 Defendants.	9	Counsel for Plaintiff Bismarck F. Dinius		
11 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 12 IMAGE 13 BISMARCK F. DINIUS, 14 BISMARCK F. DINIUS, 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; REQUEST AND [proposed] ORDER OF DISMISSAL 19 DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; and DOES ONE through TWENTY-FIVE, inclusive, OEfendants. 25 Defendants. / 26 1	10			
12 13 14 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in 18 his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; 19 DENNIS W. OSTINI, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; ULANES SAMPLES, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; and DOES ONE through TWENTY-FIVE, inclusive, 25 Defendants. 26 1	11	NORTHERN DISTRICT OF CALIFORNIA		
14 BISMARCK F. DINIUS, CASE NO. CV 10 3498 MEJ 15 Plaintiff, 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; ILOYD WELLS, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; cOUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, REQUEST AND [proposed] ORDER OF DISMISSAL 25 Defendants. 26 1	12	SAN FRANC	ISCO DIVISION	
 Plaintiff, vs. RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 	13			
 16 vs. 17 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 25 Defendants. 27 1 	14	BISMARCK F. DINIUS,	CASE NO. CV 10 3498 MEJ	
 RUSSELL E. PERDOCK, in his Individual Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; cOUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 	15	Plaintiff,		
Capacity; RODNEY K. MITCHELL, in his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive,	16	VS.		
 his Individual/Official Capacities; JON E. HOPKINS, in his Individual Capacity; DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 	17			
 DENNIS W. OSTINI, in his Individual Capacity; JAMES BAUMAN, in his Individual Capacity; LLOYD WELLS, in his Individual Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 	18	his Individual/Official Capacities; JON		
 20 in his Individual Capacity; LLOYD WELLS, in his Individual 21 Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his 22 Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; 23 COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 25 Defendants. 26 	19	DENNIS W. OSTINI, in his Individual	ORDER OF DISMISSAL	
 21 Capacity; JAMES SAMPLES, in his Individual Capacity; DEAN A. PICK, in his Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; 23 COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 24 Defendants. 26	20	in his Individual Capacity;		
 22 Individual Capacity; CHARLES F. SLABAUGH, in his Individual Capacity; 23 COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, 24 Defendants. 26	21	Capacity; JAMES SAMPLES, in his		
 SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity; and DOES ONE through TWENTY-FIVE, inclusive, Defendants. 26 27 1 	22	Individual Capacity; CHARLES F.		
 and DOES ONE through TWENTY-FIVE, Defendants. 26 27 1 	23	SLABAUGH, in his Individual Capacity; COUNTY OF LAKE, a public entity;		
25 Defendants. 26	24	and DOES ONE through TWENTY-FIVE,		
26 27 1				
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28 REQUEST FOR AND ORDER OF DISMISSAL	20	REQUEST FOR AND	UKDEK OF DISMISSAL	

1	Pursuant to the fully executed Settlement Agreement entered into by Plaintiff Bismarck			
2	F. Dinius ("Dinius") and Defendant Charles F. Slabaugh ("Slabaugh") in this action, Dinius by			
3	and through his undersigned counsel of record, respectfully requests that all claims against			
4	Slabaugh in the above captioned action be dismissed with prejudice pursuant to Fed. R. Civ.			
5	Proc. 41(a)(2). Each party shall bear his own costs and attorneys' fees.			
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9				
10	Dated: September 27, 2013. LAW OFFICE OF LAURENCE O. MASSON			
11	/s/ Laurence O. Masson			
12	By			
13	Laurence O. Masson Co-counsel for Plaintiff Bismarck F. Dinius			
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19	Dated: <u>September 27</u> , 2013. IT IS SO ORDERED.			
20	nn			
21				
22	The Honor rise Maria-Elena James			
23	United States Detrict Court Magistrate Judge			
24				
25				
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27	2			
28	REQUEST FOR AND ORDER OF DISMISSAL			