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15 Attorneys for Defendant: Arnold Vallerga

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

20	PATRICK VINATIERI,	)	NO. 3:10-CV-03854 RS
21		)	
22	vs.	)	STIPULATION FOR ENTRY OF
	Plaintiff,	)	JUDGMENT AND JUDGMENT
23		)	
24	AARON MOSLEY, CRAIG WONG, CORY	)	
25	JOHNSON, OSCAR ORTIZ, COUNTY OF NAPA,	)	
	MICHAEL VALLERGA, EILEEN McMULLEN,	)	
	ARNOLD VALLERGA and Does 1-25, inclusive,	)	
26		)	
	Defendants.	)	

27  
28 The parties, by and through their counsel of record, hereby stipulate and agree as follows:

STIPULATION FOR ENTRY OF JUDGMENT AND JUDGMENT

1           1.       Plaintiff, Patrick Vinatieri, filed his First Amended Complaint on January 24, 2011.  
2 The complaint contained various Federal constitutional claims against all defendants, as well as  
3 additional State claims against defendants Michael Vallergera, Eileen McMullen and Arnold Vallergera.  
4 The court granted a Motion to Dismiss the First Amended Complaint filed by the County of Napa,  
5 Aaron Mosley, Craig Wong, Cory Johnson and Oscar Ortiz with leave to amend.

6           2.       Plaintiff filed his Second Amended Complaint, naming only Deputy Aaron Mosley,  
7 Michael Vallergera, Eileen McMullen and Arnold Vallergera. The Second Amended Complaint  
8 contained both Federal and State claims similar to those in the First Amended Complaint.  
9 Defendants Aaron Mosley and Arnold Vallergera filed separate Motions to Dismiss the Second  
10 Amended Complaint. Defendants Michael Vallergera and Eileen McMullen have been served, but  
11 dispute valid service.

12           3.       By its order filed June 20, 2011, the court granted defendant Aaron Mosley's Motion  
13 to Dismiss the four Federal claims against him. The court further granted Defendant Arnold  
14 Vallergera's Motion to Dismiss the four Federal claims against him, as well as the State claim for  
15 negligent infliction of emotional distress against him. The court ordered that all of these claims shall  
16 be dismissed without leave to amend.

17           4.       Based upon the pleadings and the court's June 20, 2011 order granting Defendants'  
18 Motions to Dismiss, the parties stipulate and agree that the claims against Defendants County of  
19 Napa, Aaron Mosley, Craig Wong, Cory Johnson and Oscar Ortiz, including such claims set forth in  
20 any of plaintiff's complaints filed herein, shall be dismissed with prejudice. The parties stipulate  
21 and agree that the claims against Arnold Vallergera shall be dismissed with prejudice. The parties  
22 further stipulate and agree that the Second Amended Complaint is dismissed without prejudice as to  
23 Michael Vallergera and Eileen McMullen.

24           5.       Based upon the parties stipulation and agreement as set forth above, the parties further  
25 stipulate and agree that the court shall enter judgment against plaintiff, Patrick Vinatieri, and in favor  
26 of defendants County of Napa, Aaron Mosley, Craig Wong, Cory Johnson, Oscar Ortiz and Arnold  
27 Vallergera, and shall dismiss the Second Amended Complaint without prejudice as to defendants  
28 Michael Vallergera and Eileen McMullen.

**STIPULATION FOR ENTRY OF JUDGMENT AND JUDGMENT**

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Dated: July 14, 2011

SCOTT LAW FIRM

BY: /s/ John Houston Scott  
JOHN HOUSTON SCOTT  
Attorney for Plaintiff

Dated: July 14, 2011

JONES & DYER

BY: /s/ Mark A. Jones  
MARK A. JONES  
Attorney for Defendants  
Aaron Mosley, Craig Wong, Cory  
Johnson, Oscar Ortiz, and County of  
Napa

Dated: July 14, 2011

BABIN & SEEGER, LLP

BY: /s/ Martin L. Seeger, IV  
MARTIN L. SEEGER, IV  
Attorney for Defendant  
Arnold Vallerga

**JUDGMENT**

Based upon the Stipulation of the parties and good cause appearing therefore, Judgment is hereby entered against plaintiff, Patrick Vinatieri and in favor of defendants County of Napa, Aaron Mosley, Craig Wong, Cory Johnson, Oscar Ortiz and Arnold Vallerga. The court further orders that the Second Amended Complaint is dismissed without prejudice as to defendants Michael Vallerga and Eileen McMullen.

Date: 7/14/11

  
\_\_\_\_\_  
Honorable Richard Seeberg  
District Court Judge