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 DEPARTMENT OF PUBLIC SAFETY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 PEDRO DECTOR AND FLORIBERTO PEREZ
 OJEDA and all others similarly situated,,

12 Plaintiffs,

13 v.

14 CITY OF ROHNERT PARK, ROHNERT
 15 PARK DEPARTMENT OF PUBLIC SAFETY
 and DOES 1-5, inclusive,

16 Defendants.
 17

CASE NO.: C 13-0104 RS

**STIPULATION FOR DISMISSAL OF
 SPECIFIED CLAIMS FOR RELIEF OF
 FIRST AMENDED COMPLAINT;
 [Proposed] ORDER DISMISSING
 SPECIFIED CLAIMS**

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 19 TO THIS HONORABLE COURT:

20 1. Since the Stipulated Order Dismissing the First Claim of Relief in the First Amended
 21 Complaint ("FAC"), issued by this Court on April 29, 2013, the parties have continued to meet and
 22 confer concerning the issues raised by plaintiffs' FAC. After careful discussion, the parties now
 23 agree and stipulate as stated herein.

24 2. The parties agree and stipulate that the Third Claim for Relief in the FAC, alleging a
 25 violation of plaintiffs' right to equal protection of the laws, shall be dismissed with prejudice as
 26 against the named defendants in this case. However, plaintiffs reserve any rights available to them
 27 to pursue relief against the State of California and/or the Attorney General if they deem such an
 28 action is warranted.

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 SHEA,
 O'DONNELL,
 GRATTAN &
 MITCHELL
 P.C.

1 3. Plaintiffs’ Fifth Claim for Relief in the FAC is one for declaratory and injunctive
2 relief. Among other things, plaintiffs have requested that this Court decide whether it is legal to
3 effect a vehicle impoundment under California Vehicle Code § 1460.26 where the driver is without
4 a valid California License but has previously been issued a driver’s license from a foreign
5 jurisdiction, such as Mexico. (See FAC ¶71). The parties agree and stipulate that this aspect of
6 plaintiffs’ Fifth Claim for Relief is moot in light of policy changes effected by defendants, and shall
7 therefore be dismissed without prejudice and stricken from paragraph 71 of the FAC.

8 4. The parties agree that all parties are to bear their own fees and costs with respect to
9 the dismissals agreed to in this stipulation and with respect to the dismissal of plaintiffs’ Fourth
10 Amendment Claim reflected in the Stipulated Order of April 29, 2013.

11 5. In order to better facilitate the adjudication of the issues raised by plaintiffs’
12 complaint given the parties’ stipulations, the parties agree that plaintiffs shall file a Second
13 Amended Complaint which restates plaintiffs’ remaining claims in accordance with the Stipulated
14 Order of April 29, 2013 and the instant Stipulation and Order which collectively ordered dismissed
15 and stricken certain allegations and claims. Plaintiffs shall file the Second Amended Complaint
16 within 10 days of the Court’s issuance of the instant Order.

17 IT IS SO STIPULATED.

18 DATED: May 17, 2013

19 By /s/ Mark T. Clausen
20 MARK T. CLAUSEN
21 Attorneys for Plaintiffs
22 PEDRO DECTOR and FLORIBERTO PEREZ
23 OJEDA

24 DATED: May 17, 2013

25 GEARY, SHEA, O’DONNELL, GRATTAN &
26 MITCHELL, P.C.

27 By /s/ Robert W. Henkels
28 ROBERT W. HENKELS
29 Attorneys for Defendants
30 CITY OF ROHNERT PARK and ROHNERT
31 PARK DEPARTMENT OF PUBLIC SAFETY

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STIPULATED ORDER

After review of the parties' Stipulation, and good cause appearing, the Court hereby orders as follows: The Third Claim for Relief of plaintiffs' First Amended Complaint, alleging a violation of equal protection of the law, is hereby DISMISSED with prejudice as to the named defendants only. Plaintiffs' Fifth Claim for Relief for Declaratory and Injunctive Relief is hereby DISMISSED IN PART as set forth in the Stipulation. Accordingly, plaintiffs' claims with respect to the legality under California Law, Vehicle Code section 14602.6, of impounding a vehicle driven by an unlicensed driver who has previously been issued a license in a foreign country, is DISMISSED as moot, without prejudice. Each party is to bear their own fees and costs with respect to the dismissals made by this Order and the Stipulated Order issued April 29, 2013. Plaintiffs shall file a Second Amended Complaint consistent with this Order and with the Court's Order issued April 29, 2013 within 10 days of entry of this Order. All other issues are reserved.

IT IS SO ORDERED.

Dated: 5/20/13


United States District Court Judge

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