

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP
 ATTORNEYS AT LAW
 1211 NEWELL AVENUE, WALNUT CREEK, CA 94596
 TELEPHONE: (925) 939-5330

1 NOAH G. BLECHMAN (State Bar No. 197167)
 noah.blechman@mcnamaralaw.com
 2 McNAMARA, NEY, BEATTY, SLATTERY,
 BORGES & AMBACHER LLP
 3 1211 Newell Avenue
 Walnut Creek, CA 94596
 4 Telephone: (925) 939-5330
 Facsimile: (925) 939-0203

5 Attorneys for Defendants
 6 City of Concord, Chief Guy Swanger, Mike Hansen, Tom
 Parodi, Chris Loercher, Francisco Ramirez, Steven White, Brad
 7 Giacobazzi, Danny Smith, Eduardo Montero, Steven Price,
 Jason Passama, Paul Miovas, Matt Cain and Matthew Switzer

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 JOHN BURNS, TAMMY BURNS,
 BOBBY LAWRENCE, ESTATE OF
 13 CHARLES BURNS by TAMMY BURNS,
 Successor in Interest of the Estate of
 14 Charles Burns,

15 Plaintiffs,

16 vs.

17 CITY OF CONCORD, et al.,

18 Defendants.

Case No. C14-00535 LB

**STIPULATION AND [~~PROPOSED~~]
 ORDER DISMISSING SEVERAL
 DEFENDANTS AND VACATING
 PENDING MOTION FOR SUMMARY
 JUDGMENT**

Judge: Hon. Laurel Beeler
 Dept: USDC (SF), 15th Floor

New Trial Date: October 30, 2017

19
 20 IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action,
 21 through their respective counsel of record, as follows:

22 WHEREAS Plaintiffs have agreed to a dismissal, with prejudice, as to the following
 23 Defendants in this action: JOHN CONATY, PAUL MIOVAS, MATT CAIN and TOM PARODI,
 24 only these Defendants, as to all claims alleged against them in the operative Fourth Amended
 25 Complaint filed in this matter.

26 WHEREAS each party to bear their own fees and costs as to these dismissed parties.

27 WHEREAS since a Motion for Summary Judgment was filed and is pending related to
 28

STIPULATION AND ORDER REGARDING DISMISSAL OF
 SEVERAL DEFENDANTS AND VACATING PENDING MSJ
 - C14- 00535 LB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants JOHN CONATY and TOM PARODI, set for hearing on March 30th, in light of this dismissal, that pending Motion for Summary Judgment hearing can be vacated as moot.

The parties attest that concurrence in the filing of this document has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

We hereby attest that concurrence in the filing of these documents has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

Dated: February 22, 2017

JOHNSON&JOHNSON

By: /s/ Johnson, Peter
Peter Johnson
Attorneys for Plaintiffs

Dated: February 22, 2017

CONTRA COSTA COUNTY COUNSEL'S OFFICE

By: /s/ Baker, D. Cameron
D. Cameron Baker
Attorneys for Defendants Kevin Bell and John Conaty

Dated: February 22, 2017

McNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

By: /s/ Blechman, Noah G.
Noah G. Blechman
Attorneys for Defendants City of Concord, Chief Guy Swanger, Mike Hansen, Tom Parodi, Chris Loercher, Francisco Ramirez, Steven White, Brad Giacobazzi, Danny Smith, Eduardo Montero, Steven Price, Jason Passama, Paul Miovas, Matt Cain and Matthew Switzer

ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

Defendants JOHN CONATY, PAUL MIOVAS, MATT CAIN and TOM PARODI, only these Defendants, are hereby dismissed, with prejudice, as to all claims alleged against them in the operative Fourth Amended Complaint filed in this matter, each party to bear their own fees and costs as to these dismissed parties.

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP
ATTORNEYS AT LAW
1211 NEWELL AVENUE, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In addition, the pending Motion for Summary Judgment, filed by Defendants JOHN CONATY and TOM PARODI, set for hearing on March 30th, is hereby vacated as moot in light of the dismissal of these Defendants.

Court sets a Case Management Conference for April 6, 2017 at 11 AM. Updated Joint Case Management Conference statements due March 30, 2017.

IT IS SO ORDERED

Dated: 02/23/2017

By: 
Hon. Laurel Beeler
Magistrate Judge of the District Court