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THOMAS HAUSCHILD

UNITED STATES DISTRICT COURT

NORTHISN DISTRICT OF CALIFORNIA

THOMAS HAUSCHILD,

Plaintiff,

v.

CITY OF RICHMOND; CHRISTOPHER MAGNUS; and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:15-cv-01556 WHA

STIPULATION AND ~~PROPOSED~~ ORDER DISMISSING FOURTH (HARASSMENT) AND FIFTH (VIOLATIONS OF THE CALIFORNIA CONSTITUTION) CAUSES OF ACTION WITH PREJUDICE, AND ALLOWING A 90-DAY DISCOVERY PERIOD ON DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFF'S SIXTH CAUSE OF ACTION (POBR VIOLATIONS) [F.R.C.P. 56]

HON. WILLIAM ALSUP

PLEASE TAKE NOTICE that the parties to this action, Plaintiff THOMAS HAUSCHILD, and Defendants CITY OF RICHMOND and CHRISTOPHER MAGNUS, hereby STIPULATE that Plaintiff shall dismiss with prejudice his Fourth Cause of Action for Harassment, and his Fifth Cause of Action for Violations of the California Constitution with prejudice. Defendants agree to continue the hearing date on their Partial Summary Judgment motion (as to the Sixth Cause of Action) for 90 days to permit Plaintiff time to conduct discovery on that Sixth Cause of Action which asserts violations of the Public Safety Officers Procedural Bill of Rights ("POBR"), California Government Code Section 3300 et seq.

With approval by this Court, this Stipulation should resolve the dispute set forth in Plaintiff's Ex Parte Motion for Discovery (Doc. No. 24), filed in response to Defendants' Motion for Partial Summary Judgment (Doc. No. 17).

The parties are not making this request for the purpose of any undue delay, and no party would suffer any prejudice if this stipulation was granted.

IT IS HEREBY STIPULATED between the parties that Plaintiff's Fourth and Fifth Causes of Action to the First Amended Complaint shall be Dismissed with Prejudice. Defendants agree to and do continue the hearing date on their pending Partial Summary Judgment motion for 90 days to allow Plaintiff to conduct discovery as to the Sixth Cause of Action.

SO STIPULATED.

Dated: July 15, 2015

/s/ Geoff Spellberg
GEOFF SPELLBERG
MYERS NAVE
Attorneys for Defendants

Dated: July 15, 2015

/s/ David M. Poore
DAVID M. POORE
SCOTT A. BROWN
BROWN POORE LLP
Attorneys for Plaintiffs

[~~PROPOSED~~] ORDER

GOOD CAUSE SHOWING, the Stipulation is GRANTED.

IT IS HEREBY ORDERED that the Fourth and Fifth Causes of Action (Harassment and Violations of the California Constitution) to the First Amended Complaint shall be and are hereby dismissed with prejudice.

IT IS HEREBY FURTHER ORDERED that Plaintiff is permitted to conduct discovery for a period of 90 days on Defendants' Motion for Partial Summary Judgment (Doc. No. 17). The new hearing date on the defense motion for Partial Summary Judgment shall be November 19, 2015 at Eight A.M. ~~2015~~. Plaintiff's opposition is due 28 days before the new hearing date. Reply shall be due fourteen days thereafter.

SO ORDERED.

Dated: July 16, 2015

UNITED STATES DISTRICT COURT

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