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JOHN TENNISON

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

14 JOHN TENNISON,

15 Plaintiff,

16 v.

17 CITY AND COUNTY OF  
SAN FRANCISCO; SAN FRANCISCO  
18 POLICE DEPARTMENT; PRENTICE EARL  
SANDERS; NAPOLEON HENDRIX, and  
19 GEORGE BUTTERWORTH

20 Defendants.

Case No. C 04-00574 CW

Consolidated with  
Case No. C 04-01643 CW

**STIPULATION AND JUDGMENT FOR  
GEORGE BUTTERWORTH AND  
AGAINST JOHN TENNISON**

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STIPULATION AND PROPOSED JUDGMENT FOR BUTTERWORTH

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

1 **RECITAL**

2 On February 2, 2006, this Court granted in part Defendant George Butterworth's motion  
3 for summary judgment, dismissing Plaintiff John Tennison's claims against Butterworth and  
4 holding that "[t]he only remaining claim against Butterworth is Goff's Brady claim for suppression  
5 of the Ricard confession." Docket 482 at 93-94; *see also* Docket 496 (Amended Order re  
6 summary judgment) at 92.

7 Tennison did not pursue an interlocutory appeal of this Court's ruling on summary  
8 judgment.

9 Defendants Butterworth, Hendrix, and Sanders did appeal this Court's ruling on summary  
10 judgment. Specifically, Butterworth appealed this Court's ruling permitting "Goff's Brady claim  
11 for suppression of the Ricard confession" to go forward. *See* Docket 485 (Butterworth Notice of  
12 Appeal) and 490 (Hendrix and Sanders Notice of Appeal).

13 The Ninth Circuit heard oral argument in this case on July 12, 2007, at 9:00 a.m.

14 On September 22, 2008, pursuant to a request by Plaintiff Antoine Goff, the Ninth Circuit  
15 ordered Butterworth's appeal dismissed, remanded Goff's claims against Butterworth to this Court  
16 for the limited purpose of entering judgment against Goff and in favor of Butterworth, and  
17 ordered the remaining appeals resubmitted.

18 On September 22, 2008, this Court entered judgment against Goff and in favor of  
19 Butterworth. Docket 550.

20 It appears that the Court has not yet entered judgment in favor of Butterworth as to  
21 Tennison's claims that were dismissed on February 2, 2006 by this Court's Order regarding  
22 summary judgment.

23 Tennison and Butterworth agree that it is appropriate and proper for judgment against  
24 Tennison and in favor of Butterworth to be entered.

25 **STIPULATION**

26 For the forgoing reasons, the parties, through their undersigned counsel, stipulate and  
27 agree to entry of judgment against Plaintiff John Tennison and for Defendant George

1 Butterworth;

2 The parties further agree that each party shall bear its own costs associated with this  
3 action.

4 IT IS SO STIPULATED.

5 Dated: October 16, 2008 KEKER & VAN NEST, LLP

6  
7 By: /s/ Steven P. Ragland  
8 STEVEN P. RAGLAND  
9 Attorneys for Plaintiff  
JOHN TENNISON

10 Dated: October 16, 2008 OFFICE OF THE CITY ATTORNEY

11  
12 By: /s/ Christine Van Aken  
13 CHRISTINE VAN AKEN  
14 Attorneys for Defendant  
15 GEORGE BUTTERWORTH

16  
17 **FILER'S ATTESTATION**

18 I, Steven P. Ragland, the filer of this document, hereby attest that concurrence in the  
19 filing of this document has been obtained from each signatory hereto.

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21 By: /s/ Steven P. Ragland  
22 STEVEN P. RAGLAND

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**JUDGMENT**

GOOD CAUSE showing, it is hereby ordered and adjudged that Judgment is hereby entered in favor of George Butterworth and against John Tennison on Tennison's entire claim against Butterworth and that each party shall bear his own costs of action.

IT IS SO ORDERED.

Dated: 10/21 \_\_\_\_\_, 2008



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THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE