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 4 A PROFESSIONAL CORPORATION  
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8 Attorneys for Defendants  
 9 CITY OF EAST PALO ALTO and STEVE BELCHER

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA DISTRICT OF CALIFORNIA

12 CALVIN BROOKS,

13 Plaintiff,

14 v.

15 CITY OF EAST PALO ALTO; STEVE  
 16 BELCHER, individually and in his official  
 17 capacity as Chief of Police, EDWARD  
 18 RIVERS, JR., JOHNNY TAFLINGER,  
 19 JR., individually and in their official  
 20 capacities of Police Officers and for the  
 21 CITY OF EAST PALO ALTO, EDDI  
 22 TAPIA TORRES, individually and in his  
 23 official capacity as a Police volunteer, and  
 24 DOES 1 - 100, inclusive,

25 Defendants.

CASE NO.: C05-04839 PJH

**STIPULATION AND [proposed] ORDER  
 TO DISMISS CASE WITH PREJUDICE**

26 The parties, by and through their attorneys of record, hereby stipulate:

27 1. That plaintiff CALVIN BROOKS has settled this matter with defendants CITY OF  
 28 EAST PALO ALTO and STEVE BELCHER.

2. That the settlement required that plaintiff CALVIN BROOKS dismiss the case in its  
 entirety with prejudice against defendants CITY OF EAST PALO ALTO and STEVE BELCHER.

3. That due to oversight, the dismissal was never filed.

STIPULATION AND [proposed] ORDER TO DISMISS CASE  
 WITH PREJUDICE; CASE NO. C05-04839 PJH

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1 4. That the Court enter a Dismissal with Prejudice as to defendants CITY OF EAST  
2 PALO ALTO and STEVE BELCHER, supplanting the dismissal previously entered by the Court.  
3 IT IS SO STIPULATED.


4  
5 DATED: February 10, 2009

LAW OFFICES OF JOHN L. BURRIS

6  
7 By:   
8 JOHN L. BURRIS  
9 Attorney for Plaintiff CALVIN BROOKS

10 DATED: February 11, 2009

11 CLAPP, MORONEY, BELLAGAMBA  
12 and VUCINICH

13 By:   
14 PATRICK R. CO  
15 Attorneys for Defendants CITY OF EAST PALO  
16 ALTO and STEVE BELCHER

17  
18 **ORDER**

19 The parties hereto, having advised the court by written notice of settlement, that they have  
20 agreed to a settlement of this cause, and the parties having stipulated to, IT IS HEREBY ORDERED  
21 that this case is dismissed with prejudice as to defendants CITY OF EAST PALO ALTO and STEVE  
22 BELCHER.

23  
24 DATED: 2/24/09

25 By:   
26  
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3 **PROOF OF SERVICE - Civil**  
4 [Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

5 **METHOD OF SERVICE:**

- 6  By Personal Service       By Mail       By Overnight Delivery  
7  By Messenger Service       By Facsimile       By E-Mail/Electronic  
8 Transmission

- 9 1. I am a citizen of the United States and am employed in the County of San Mateo, State of  
10 California. I am over the age of 18 years and not a party to the within action.  
11 2. My place of employment is 1111 Bayhill Drive, Suite 300, San Bruno, CA 94066.  
12 3. On the date set forth below, I caused to be served a true and correct copy of the document  
13 described as:

14 **STIPULATION AND [proposed] ORDER TO DISMISS CASE WITH PREJUDICE**

- 15 4. I served the document on the persons below, as follows:

16 John L. Burris, Esq. 17 Adante'D Pointer, Esq. 18 7677 Oakport Street, Suite 1120 19 Oakland, CA 94621 20 Tel: (510) 839-5200 21 Fax: (510) 839-3882 <i><u>Attys for Plaintiff CALVIN BROOKS</u></i>	22 Craig M. Brown, Esq. 23 333 W. Santa Clara Street, Suite 200 24 San Jose, CA 95113-1714 25 Tel: (408) 286-6844 26 Fax: (408) 286-6699 <i><u>Attys for Defendant Johnny Taflinger</u></i>
27 William E. Rapoport, Esq. 28 Law Offices of William E. Rapoport 643 Bair Island Road, Suite 400 Redwood City, CA 94063 Tel: (650) 340-7107 Fax: (650) 365-7981 <i><u>Attys for Edward A. Rivers, Jr.</u></i>	Eddi Tapia Torres 1660 Bay Road, Apt. #28 East Palo Alto, CA 94303 Cell: (510) 661-5094 Work: (510) 455-1200 <i><u>In Pro Per</u></i>

- 29 5. The document was served by the following means (specify):

- 30 a.  **BY PERSONAL SERVICE.** I personally delivered the documents to the  
31 persons at the addresses listed in item 4. (1) For a party represented by an  
32 attorney, delivery was made to the attorney or at the attorney's office by  
33 leaving the documents in an envelope or package clearly labeled to identify  
34 the attorney being served with a receptionist or an individual in charge of the  
35 office. (2) For a party, delivery was made to the party or by leaving the  
36 documents at the party's residence with some person not less than 18 years of  
37 age between the hours of eight in the morning and six in the evening.  
38 b.  **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope  
or package addressed to the persons at the addresses in item 4 and (specify  
one):

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- (1)  deposited the sealed envelope with the United States Postal Services, with the postage fully prepaid.
- (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

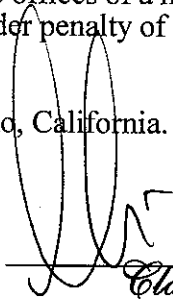
I am resident or employed in the County where the mailing occurred. The envelope or package was placed in the mail at San Bruno, California, County of San Mateo.

- c.  **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 4. I place the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **BY MESSENGER SERVICE.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 4 and providing them to a professional messenger service for service.
- e.  **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 4. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f.  **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email addresses listed in item 4. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**(Federal)** I declare that I am employed in the offices of a member of the bar of this court at whose direction this service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2009, at San Bruno, California.



Claudia Gomez