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8 Attorneys for Defendant  
 CITY AND COUNTY OF SAN FRANCISCO  
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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JOHN F. CHAMPAGNE and GARY A.  
 CHAMPAGNE,  
 14  
 Plaintiffs,  
 15  
 vs.  
 16  
 CITY AND COUNTY OF SAN  
 17 FRANCISCO, et al.,  
 18  
 Defendants.

Case No. C06-05425 JSW

**ADMINISTRATIVE MOTION AND  
 STIPULATION FOR ORDER TO SET ASIDE  
 ORDER AND ABSTRACT OF JUDGMENT  
 AND ORDER THEREON**

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 20  
 21 Pursuant to Local Rule 7-11, and based on the stipulation of the parties, Defendant, the City  
 22 and County of San Francisco, hereby move this court, pursuant to Rule 60(b), for an Order setting  
 23 aside the Order entered in this action on October 15, 2008 awarding attorney fees to defendant City  
 24 and County of San Francisco in the amount of \$153,867.50 (One Hundred Fifty Three Thousand,  
 25 Eight Hundred Sixty Seven Dollars and Fifty Cents) and the accompanying abstract of judgment  
 26 entered on December 26, 2008.

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1 Pursuant to the Federal Rules of Civil Procedure Rule 60(b), the court may relieve a party from  
2 a final judgment, order, or proceeding for any other reason, not specifically enumerated, that justifies  
3 relief. Relief should be granted from the original judgment in accordance with the United States Court  
4 of Appeals for the Ninth Circuit order entered on October 6, 2010.

5  
6 DATED: September 24, 2015

7 DENNIS J. HERRERA  
8 City Attorney  
9 CHERYL ADAMS  
10 Chief Trial Deputy  
11 KAREN E. KIRBY  
12 Assistant Chief Trial Deputy

13 By: /s/ Karen E. Kirby  
14 KAREN E. KIRBY

15 Attorneys for Defendant  
16 CITY AND COUNTY OF SAN FRANCISCO

17 **STIPULATION OF COUNSEL**

18 THE UNDERSIGNED COUNSEL HEREBY STIPULATE:

19 1) On October 15, 2008 the United States District Court for the Northern District of  
20 California issued an order granting Defendants' motion for attorneys' fees in the amount of  
21 \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty  
22 Cents).

23 2) On December 26, 2008 the Court issued an Abstract of Judgment in the amount of  
24 \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty  
25 Cents).

26 3) On October 6, 2010, the United States Court of Appeals for the Ninth Circuit reversed  
27 the Defendants' award of attorneys' fees.

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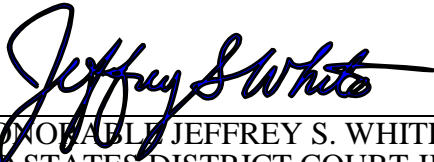


1 **PROPOSED ORDER**

2 The October 15, 2008 Order awarding attorney fees against plaintiffs JOHN F. CHAMPAGNE  
3 and GARY A. CHAMPAGNE in the amount of \$153,867.50 (One Hundred Fifty Three Thousand,  
4 Eight Hundred Sixty Seven Dollars and Fifty Cents) and the Abstract of Judgment dated December 26,  
5 2008 in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven  
6 Dollars and Fifty Cents) are hereby VACATED.

7 **BASED ON THE STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO**  
8 **ORDERED.**

9  
10 DATED: September 30, 2015

11   
12 \_\_\_\_\_  
13 THE HONORABLE JEFFREY S. WHITE  
14 UNITED STATES DISTRICT COURT JUDGE