



1 Plaintiff Nicholas Bart Ellis and Defendants A. Navarro, F. Juarez and B. Gardner  
2 (collectively, the “Parties”)<sup>1</sup> hereby stipulate as follows:

3 **STIPULATION**

4 WHEREAS the parties conducted a settlement conference on August 22, 2012  
5 before Hon. Laurel Beeler and agreed to settle the above-captioned action;

6 WHEREAS the parties’ agreement to settle the action was conditioned upon, *inter*  
7 *alia*, (1) the execution of a written release and settlement agreement, (2) the payment of a  
8 settlement sum to Plaintiff, and (3) Plaintiff’s dismissal of the action with prejudice after  
9 his receipt of the settlement sum;

10 WHEREAS the parties have negotiated a written release and settlement agreement  
11 and expect Plaintiff to be paid the settlement sum within six months of the execution of the  
12 written release and settlement agreement, but no later than April 1, 2013;

13 WHEREAS the Court issued an Order of Conditional Dismissal on August 23,  
14 2012, ordering that the action is dismissed with prejudice, provided that the parties may  
15 move to reopen the case and the trial will be rescheduled if a motion is filed within 30 days  
16 of the Order;

17 WHEREAS the parties agree that the action should be conditionally dismissed  
18 pending Plaintiff’s receipt of the settlement sum, pursuant to the written release and  
19 settlement agreement, which is expected to occur in approximately six months, but no later  
20 than April 1, 2013;

21 WHEREAS Plaintiff agrees to dismiss the action with prejudice within ten days of  
22 his receipt of the settlement sum, expected to occur no later than April 1, 2013;

23 NOW, THEREFORE, the Parties, through their undersigned counsel, stipulate and  
24 request that the Court order that the Conditional Dismissal Period be enlarged so that

25

26

---

27 <sup>1</sup> On June 18, 2010, the Parties entered into a Stipulation and [Proposed] Order voluntarily  
28 dismissing Defendant C.E. Wilber pursuant to Federal Rule of Civil Procedure  
41(a)(1)(A). Dkt. 34.





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

**ORDER**

**IT IS SO ORDERED.**

\_9/19/12

*Sandra B. Armstrong*

---

The Hon. Sandra Brown Armstrong  
United States District Judge