Ellis v. Navarro et al Doc. 136

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7			
0	Attorneys for Plaintiff		
8	NICHOLAS BART ELLIS		
9			
9	IN THE LIMITE	ED STATES DISTRICT COURT	
10	IN THE ONTE	D STATES DISTRICT COOKT	
10	FOR THE NORTH	ERN DISTRICT OF CALIFORNIA	
11			
	OA	KLAND DIVISION	
12	-		
10		)	
13	NICHOLAS BART ELLIS,	) No. C 07-5126 SBA (pr)	
14		)	
14	Plaintiff		
15		/ ENLARGE CONDITIONAL	
	vs.	\ \ DISMISSAL PERIOD	
16		, )	
	A. NAVARRO, et al.,	) Courtroom: 1	
17		j Judge: Hon. Saundra Brown Armstrong	
1.0	Defenda	nts.	
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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	<b>STIPULATION</b>		
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	On June 19, 2010, the Darties entered into a Stimulation and Durance of Onder land of the		
27	On June 18, 2010, the Parties entered into a Stipulation and [Proposed] Order voluntarily dismissing Defendant C.E. Wilber pursuant to Federal Rule of Civil Procedure		
28	41(a)(1)(A). Dkt. 34.		

1	Plaintiff may dismiss the action with prejudice within ten days of his receipt of the	
2	settlement sum, which is expected to	o occur no later than April 1, 2013.
3		
4	Dated: September 19, 2012	
5		PILLSBURY WINTHROP SHAW PITTMAN LLP
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9		By <u>/s/ Wesley M. Spowhn</u> Wesley M. Spowhn
10		Attorneys for Plaintiff NICHOLAS BART ELLIS
11		ANDRADA & ASSOCIATES
12		J. RANDALL ANDRADA MATTHEW ROMAN
13		180 Grand Avenue, Suite 225 Oakland, CA 94612
14		By/s/ Matthew Roman
15		Matthew Roman
16		Attorneys for Defendants
17		SERGEANT A. NAVARRO; CORRECTIONAL OFFICER F. JUAREZ
18		CORRECTIONAL OFFICER B. GARDNER; AND APPEALS COORDINATOR C.E. WILBER
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1	DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B	
2	I, Wesley M. Spowhn, hereby declare pursuant to General Order 45, § X.B, that I	
3	have obtained the concurrence in the filing of this document from the signatory listed	
4	above.	
5	I declare under penalty of perjury that the foregoing declaration is true and correct.	
6	Executed on September 19, 2012, at San Francisco, California.	
7	By <u>/s/ Wesley M. Spowhn</u> Wesley M. Spowhn	
8	Attorney for Plaintiff NICHOLAS BART ELLIS	
9	Automey for Flament Meriolas Baker Ellers	
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1	<u>(</u>	<u>ORDER</u>
2	IT IS SO ORDERED.	
3	_9/19/12	
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5		Sandre B. Ormskag
6		The Hon. Saundra Brown Armstrong United States District Judge
7		Office States District Judge
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