

1 Thomas G.F. Del Beccaro (California Bar #132351)  
 2 **Del Beccaro, Hornsby & Blake**  
 3 800 So. Broadway, Suite 301  
 4 Walnut Creek, California 94596  
 5 Telephone: (925) 280-4487  
 6 Facsimile: (925) 284-2015

7 Attorney for Plaintiff **Ernest C. Wheeler**

8 JOSEPH P. RUSSONIELLO (CABN 44332)  
 9 United States Attorney  
 10 JOANN M. SWANSON (CABN 88143)  
 11 Chief, Civil Division  
 12 NEILL T. TSENG (CABN 220348)  
 13 Assistant United States Attorney

14 450 Golden Gate Avenue, Box 36055  
 15 San Francisco, California 94102-3495  
 16 Telephone: (415) 436-7155  
 17 FAX: (415) 436-6748  
 18 neill.tseng@usdoj.gov

19 Attorneys for Defendant

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 ERNEST C. WHEELER,	)	No. C 08-01738 SBA
	)	
23 Plaintiff,	)	
	)	STIPULATION TO DISMISS WITH
24 v.	)	PREJUDICE; ORDER
	)	
25 JANET NAPOLITANO, Secretary,	)	
26 Department of Homeland Security, Federal	)	
27 Emergency Management Agency	)	
	)	
28 Defendant.	)	

THE PARTIES, BY AND THROUGH THEIR ATTORNEYS OF RECORD, HEREBY  
 SUBMIT THE FOLLOWING STIPULATION:

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff ERNEST  
 WHEELER and defendant JANET NAPOLITANO,<sup>1</sup> Secretary, Department of Homeland  
 Security, Federal Emergency Management Agency, hereby stipulate to dismiss with prejudice

---

<sup>1</sup> Janet Napolitano is substituted for her predecessor Michael Chertoff as the  
 defendant in this case.

1 the above-captioned action, including all claims that were or could have been asserted therein.

2 Each party will bear its own costs and attorneys fees.

3 Respectfully submitted,

4

5 DATED:

6

\_\_\_\_\_  
THOMAS G. DEL BECCARO  
***DEL BECCARO, HORNSBY & BLAKE***  
Attorney for Plaintiff

7

8

JOSEPH P. RUSSONIELLO  
United States Attorney

9

10

11 DATED:

12

\_\_\_\_\_  
NEILL T. TSENG  
Assistant United States Attorney  
Attorneys for Defendant

13

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

15

16

17 DATED: 2/25/10

  
\_\_\_\_\_  
HONORABLE SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT JUDGE

18

19

20

21

22

23

24

25

26

27

28