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26 UNITED STATE DISTRICT COURT

27 NORTHERN DISTRICT OF CALIFORNIA

28 OAKLAND DIVISION

))*)

21 **JAMIL STUBBS,**) Case No.: 4:09-cv-00176-KAW

22 Plaintiff,)

23 vs.) **SECOND AMENDED STIPULATION OF**

24 **BRANDON ORLANDO,**) **DISMISSAL**

25 Defendant.) **Fed. R. Civ. P. §41(a)(1)(A)**

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27)

28)

1 **IT IS HEREBY STIPULATED** by and between plaintiff Jamil Stubbs ("Plaintiff") and
2 defendant Officer Orlando ("Defendant") that in response to the Court's Order [ECF Docket
3 No. 267] and after having met and conferred, certain actions should be dismissed with
4 prejudice.

5 The parties thereby agree as follows:

6 Plaintiff's claims for excessive force under the Fourth Amendment, conspiracy under
7 42 U.S.C. § 1985, and negligence are hereby dismissed with prejudice.

8 All claims and parties dismissed by way of this Stipulation are in return for a waiver
9 of fees and costs as to these dismissed causes of action by defendants to be memorialized in
10 a separate settlement agreement to be prepared and drafted by the parties. This Stipulation
11 and Dismissal is brought pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

12 **IT IS SO STIPULATED.**

13 Dated: June 16, 2014 BUSTAMANTE & GAGLIASSO, P.C.

14
15 By: _____/s/_____
16 Steven M. Berki, Counsel of Record
for Plaintiff

17 Dated: June 16, 2014 KALLIS & ASSOCIATES, P.C.

18
19 By: _____/s/_____
20 M. Jeffery Kallis, Counsel of Record
for Plaintiff

21 Dated: June 16, 2014 OFFICE OF THE CITY ATTORNEY OF
22 SAN JOSE



23
24 _____/s/_____
25 Ardell Johnson
26 Counsel of Record
27 for Defendant
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