

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 JOANNE HOEPER, State Bar #114961
Chief Trial Deputy
3 FREDERICK P. SHEINFIELD, State Bar #142256
Deputy City Attorney
4 Fox Plaza
1390 Market Street, 6th Floor
5 San Francisco, California 94102-5408
Telephone: (415) 554-3872
6 Facsimile: (415) 554-3837
E-Mail: rick.sheinfield@sfgov.org
7

8 Attorneys for Defendant
Leonard F. Poggio

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 RUSTY ALAN SIMS,
13 Plaintiff,

14 vs.

15 LEONARD F. POGGIO, SHAWN
MANNING,
16 Defendants.

Case No. C 09-2519 SBA (PR)

REQUEST FOR DISMISSAL;
PROPOSED ORDER OF DISMISSAL

17
18
19 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

20 A settlement agreeable to all parties has been reached in the above-mentioned matter. The
21 parties respectfully request that this case be dismissed with prejudice. Each party to bear its own costs
22 and attorneys fees.

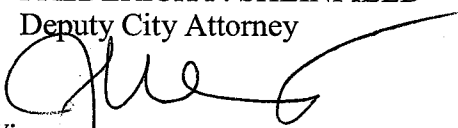
23 Dated: 11-20-10

24
25
26 By: 
RUSTY ALAN SIMS
In Pro Per Rusty Sims 11-20-10

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

Dated: 11/29/2010

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
FREDERICK P. SHEINFIELD
Deputy City Attorney

By: 
FREDERICK P. SHEINFIELD

Attorneys for Defendant
LEONARD F. POGGIO

ORDER

IT IS SO ORDERED.

Dated: 12/2/10


HON. SAUNDRA B. ARMSTRONG
United States District Court Judge

PROOF OF SERVICE

I, ANNA BURCIAGA, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On November 30, 2010, I served the following document(s):

Request for Dismissal; Proposed Order of Dismissal

on the following persons at the locations specified:

Rusty Alan Sims, Pro Per 10679841
San Francisco County Jail
San Bruno Complex
1 Moreland Drive
P.O. Box 67
San Bruno, CA 94066

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. **A declaration from the messenger who made the delivery** **is attached** or **will be filed separately with the court.**

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

BY FACSIMILE: Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax #' to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and **a copy of the transmission report** **is attached** or **will be filed separately with the court.**

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed November 30, 2010, at San Francisco, California.

/s/

ANNA BURCIAGA