

1 Gregory M. Fox, State Bar No. 070876
 2 Ilana Kohn, State Bar No. 203389
 3 BERTRAND, FOX & ELLIOT
 4 The Waterfront Building
 2749 Hyde Street
 San Francisco, California 94109
 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990

5 Attorneys for Defendant LEVY BARNES

6
 7
 8 UNITED STATE DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 SEAN BARNETT,

12 Plaintiff,

13 vs.

14 SAL MARTINEZ, #782; LEVY BARNES,
 #820; CASEY TINLOY, #587; JUSTIN GEBB,
 #111; ROBERT ANDERSON, #787; CYNTHIA
 15 VERBIS, #800; DOES 1 to 50,

16 Defendants.

Case No.: 4:09-cv-05605-CW

**STIPULATION AND ORDER OF
 DISMISSAL OF DEFENDANT LEVY
 BARNES**

17
 18
 19 WHEREAS by this Stipulation and [Proposed] Order of Dismissal (the “Stipulation”),
 20 Plaintiff SEAN BARNETT has agreed to resolve all of his claims against Defendant LEVY
 21 BARNES by voluntarily dismissing with prejudice his claims alleged against Defendant LEVY
 22 BARNES in this action; and

23 WHEREAS Plaintiff SEAN BARNETT, Defendant LEVY BARNES, and their respective
 24 counsel have conducted sufficient investigation to enable each party to determine that it is in the
 25 best interests of each party to enter into this Stipulation;

26 IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto through
 27 their respective counsel as follows:
 28

1 Defendant LEVY BARNES hereby agrees to accept service of a trial subpoena in this matter
2 through the offices of Gregory M. Fox.

3 The above-captioned action shall be, and hereby is, dismissed with prejudice as to Defendant
4 LEVY BARNES pursuant to FRCP 41(a)(2), with each party to bear its own attorneys' fees and
5 costs.

6
7 Dated: May 23, 2011

BERTRAND, FOX & ELLIOT

8
9 By: _____ /s/
10 Gregory M. Fox
11 Ilana Kohn
12 Attorneys for Defendant Levy Barnes

13 Dated: May 20, 2011

BOSKOVICH & APPLETON

14
15 By: _____ /s/
16 Anthony Boskovich
17 Christopher Appleton
18 Attorneys for Plaintiff Sean Barnett

19 ATTORNEY ATTESTATION

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 "conformed" signature (/s/) within this E-filed document.


22 Dated: May 23, 2011

_____/s/
Gregory M. Fox

23 ORDER

24 Pursuant to the above stipulation, and good cause appearing therefore, IT IS SO ORDERED.

25
26 Dated: 5/25/2011



Hon. Claudia Wilken
UNITED STATES DISTRICT COURT JUDGE