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8 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO, ET AL
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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 DERRICK D. PAYNE,
 15 Plaintiffs,
 16 vs.

Case No. CV 11 1328 YGR

**STIPULATION OF DISMISSAL WITH
 PREJUDICE; ~~PROPOSED~~ ORDER**

Trial Date: November 26, 2012

17 CITY AND COUNTY OF SAN
 FRANCISCO, DEPUTY CITY ATTORNEY
 18 ROWENA T. LIBANG, in her personal and
 official capacity; DEPARTMENT OF
 19 HUMAN SERVICES, SOCIAL WORKER
 GILBERT JUE, in his personal and official
 20 capacity; SAN FRANCISCO SHERIFF
 MICHAEL HENNESSEY; DEPUTY
 21 SHERIFF L. CASTELLANOS, in his personal
 and official capacity; SERGEANT G. NODA,
 22 in his personal and official capacity; DEPUTY
 SHERIFF S. NEU, in his personal and official
 23 capacity; DEPUTY SHERIFF J. TILTON, in
 his personal and official capacity; DEPUTY
 24 SHERIFF MCCONICO, in his personal and
 official capacity, and DOES 1 through 100,
 25 inclusive,

26 Defendants.

1 **STIPULATION**

2 This Court having granted defendants' motion for partial summary judgment on plaintiff's first
3 claim for relief for false arrest, and having denied plaintiff's cross-motion for partial summary
4 judgment on the same claim (Dkt. 109), there having been no disposition of the second and third
5 claims for relief in the operative complaint in this action, under Federal Rule of Civil Procedure
6 41(a)(1) the parties stipulate to dismissal of the entire action with prejudice, with each party to bear
7 his, her, or its own attorney's fees, costs, and expenses.

8 Dated: October 26, 2012

LAW OFFICES OF JAMES BIRKELUND

9 By: /s/ James Birkelund
10 Attorneys for Plaintiff

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12 Dated: October 26, 2012

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Deputy
DONALD P. MARGOLIS
DUNCAN CARLING
Deputy City Attorneys


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16 By: /s/ Donald P. Margolis
17 DONALD P. MARGOLIS
Attorneys for Defendants
18 CITY AND COUNTY OF SAN FRANCISCO,
19 ROWENA LIBANG, GILBERT JUE, GARY NODA,
20 LUIS CASTELLANOS, SCOTT NEU, JASON
TILTON, AND RONALD MCCONICO

[The filer of this document attests that concurrence in the filing of
21 this document has been obtained from plaintiff's attorney above,
22 and shall serve in lieu of his signature.]

23 **ORDER**

24 **PURSUANT TO STIPULATION**, this action is dismissed with prejudice. Each side shall
25 bear his, her, or its own attorney's fees, costs, and expenses. **IT IS SO ORDERED.**

26 Dated: October 30, 2012

27 
The Honorable Yvonne G. Rogers
United States District Judge