

1 STEVEN C. MITCHELL, ESQ., SBN 124644  
 2 ROBERT W. HENKELS, ESQ., SBN 255410  
 3 GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL, P.C.  
 4 90 South E Street, Suite 300  
 5 Santa Rosa, California 95404  
 6 Telephone: 707/545-1660  
 7 Facsimile: 707/545-1876

8 Attorneys for Defendant  
 9 NORMAN WIELSCH

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 SEAN O'TOOLE, KELLEY O'TOOLE,  
 13 STEVEN DANIEL LEE, JENNIFER LYNN  
 14 CURTIS, and JACK FOSTER,

15 Plaintiffs,

16 v.

17 CITY OF ANTIOCH, ANTIOCH POLICE  
 18 DEPARTMENT, JAMES HYDE CHIEF OF  
 19 ANTIOCH POLICE DEPARTMENT,  
 20 NORMAN WIELSCH, MICHAEL McGARY,  
 21 LOUIS LOMBARDI, JOSHUA VINCELET,  
 22 JAMES WISECARVER JR., STEVEN  
 23 AIELLO, STEVEN BERGERHOUSE,  
 24 CHRISTOPHER BUTLER, RONALD KRENZ,  
 25 DANIELLE JOANNIDES, STEPHANIE A.  
 26 CHALK, CAPTAIN LEONARD ORMAN,  
 27 AND DOES 1 – 20, inclusive,

28 Defendants.

CASE NO.: CV 11 1502 PJH

**NOTICE OF TENDER OF SETTLEMENT  
 PAYMENT AND REQUEST TO REMOVE  
 OSC HEARING FROM CALENDAR;  
 [Proposed] ORDER VACATING HEARING  
 DATE AND DISMISSING CASE WITH  
 PREJUDICE**

23 Pursuant to this Court's December 17, 2015 Order, the parties hereby notify the Court that  
 24 defendant Norman Wielsch has tendered payment to plaintiffs in the form of a check for  
 25 \$15,000.00, issued pursuant to the parties' Settlement Agreement. The parties therefore  
 26 respectfully request that the Court take the OSC Hearing, scheduled for January 20, 2016 at 9:00  
 27 am, off calendar.

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LAW OFFICES OF  
 GEARY,  
 SHEA,  
 O'DONNELL,  
 GRATTAN &  
 MITCHELL  
 P.C.

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RESPECTFULLY SUBMITTED.

DATE: January 19, 2016

LAW OFFICES OF TIM A. PORI

By /s/ Tim A. Pori  
TIM A. PORI  
Attorney for Plaintiffs SEAN O'TOOLE,  
KELLEY O'TOOLE, STEVEN DANIEL  
LEE, JENNIFER LYNN CURTIS, and JACK  
FOSTER

DATE: January 19, 2016

GEARY, SHEA, O'DONNELL, GRATTAN &  
MITCHELL, P.C.

By /s/ Robert W. Henkels  
ROBERT W. HENKELS  
Attorneys for Defendant  
NORMAN WIELSCH

**ORDER OF THE UNITED STATES DISTRICT COURT**

Upon receipt the parties' notice that the settlement funds have been tendered on behalf of defendant Norman Wielsch, and in accordance with its December 17, 2015 Order, the Court hereby VACATES the OSC Hearing currently scheduled for January 20, 2016 at 9:00 am. This case is therefore hereby DISMISSED in its entirety with prejudice pursuant to the parties' settlement and this Court's Order of Dismissal, ECF No. 229.

**IT IS SO ORDERED.**

DATED: 1/20/16

UNITED STATES DISTRICT COURT  
IT IS SO ORDERED  
*Phyllis J. Hamilton*  
Judge Phyllis J. Hamilton  
UNITED STATES DISTRICT JUDGE

LAW OFFICES OF  
GEARY,  
SHEA,  
O'DONNELL,  
GRATTAN &  
MITCHELL  
P.C.