

1 MICHAEL J. HADDAD (State Bar No. 189114)
 2 JULIA SHERWIN (State Bar No. 189268)
 3 GENEVIEVE K. GUERTIN (State Bar No. 262479)
 4 T. KENNEDY HELM (State Bar No. 282319)
 5 HADDAD & SHERWIN
 6 505 Seventeenth Street
 7 Oakland, California 94612
 8 Telephone: (510) 452-5500
 9 Fax: (510) 452-5510

10 Attorneys for Plaintiff
 11 PETER DIXON

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 PETER DIXON individually,)
 15)
 16 Plaintiff,)
 17)
 18 vs.)
 19)
 20 CITY OF OAKLAND and the)
 21 OAKLAND POLICE DEPARTMENT,)
 22 public entities, SERGEANT BERNARD)
 23 ORTIZ, OFFICER STEVEN TORIBIO,)
 24 OFFICER PATRICK GERRANS,)
 25 OFFICER ROBERT GERRANS,)
 26 OFFICER R. GARCIA, PERSONAL)
 27 PROTECTIVE SERVICES, INC., a)
 28 California corporation, DEMONT)
 MARROW, STANLEY TEETS,)
 MEREDITH WILSON, RENE GARCIA,)
 LADALE SLOCUM and DOES 5)
 through 10, individually, jointly and)
 severally,)
 Defendants.)

Case No. C12-5207 DMR

**STIPULATION AND ~~(PROPOSED)~~
 ORDER TO SETTLE CASE,
 VACATE TRIAL AND PRETRIAL
 DATES, AND SET BRIEFING
 SCHEDULE FOR PLAINTIFF'S
 MOTION FOR REASONABLE
 ATTORNEYS' FEES**

1 ALL PARTIES, THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY
2 STIPULATE THAT THE PARTIES HAVE AGREED TO SETTLE THIS CASE ON THE
3 FOLLOWING TERMS, AND REQUEST THIS COURT VACATE ALL PENDING TRIAL AND
4 PRETRIAL DATES, AND ORDER THE FURTHER PROCEEDINGS HEREIN STIPULATED:

5 Plaintiff Peter Dixon and Defendants City of Oakland, Bernard Ortiz, and Steven Toribio
6 agree to settle all of Plaintiff's claims pending against them in this matter, including for damages,
7 attorneys' fees, and other relief, for the total amount of Twenty-Five Thousand Dollars (\$25,000),
8 subject to approval by the Oakland City Council. Counsel for the City of Oakland will take all
9 necessary action so that this matter may be reviewed and resolved expeditiously by the City Council
10 and City offices, and represents that final approval and issuance of a settlement check could be
11 obtained within sixty (60) days. These parties stipulate to a conditional dismissal of all claims
12 pending against Defendants City of Oakland, Bernard Ortiz, and Steven Toribio only.

14 Plaintiff Peter Dixon further stipulates to immediately dismiss with prejudice all remaining
15 claims pending against Defendants Police Officers Patrick Gerrans, Robert Gerrans, and Roberto
16 Garcia, each side to bear their own costs and attorneys' fees related to such claims.

18 Plaintiff Peter Dixon and Defendants Personal Protective Services, Inc., Stanley Teets,
19 Demont Marrow, Meredith Wilson, Rene Garcia, and LaDale Slocum agree to settle all of
20 Plaintiff's claims for damages pending against them for the total award of One Hundred, Ten
21 Thousand Dollars (\$110,000), with Plaintiff's claims for reasonable attorneys' fees related to such
22 claims, including Plaintiff's Bane Act claim (California Civil Code § 52.1), to be resolved by
23 motion to this Court, The Honorable Donna M. Ryu. The parties request the following briefing
24 schedule for Plaintiff's motion for reasonable attorneys' fees:

26 Plaintiff's motion and opening brief filed by: June 27, 2014

27 Defendants' opposition filed by: July 18, 2014

1 Plaintiff's reply brief filed by: August 1, 2014

2 Motion hearing date: August 21, 2014 (preferred) or August 28, 2014

3
4 SO STIPULATED, AND THE PARTIES HEREBY REQUEST THAT TRIAL AND ALL
5 PENDING PRE-TRIAL DATES BE VACATED, AND THAT THIS STIPULATION BE SO
6 ORDERED:

7
8 DATED: May 30, 2014

HADDAD & SHERWIN

9 /s/ Michael J. Haddad*

10 MICHAEL J. HADDAD

11 Attorneys for Plaintiff PETER DIXON

12 DATED: May 30, 2014

OFFICE OF THE CITY ATTORNEY OF
OAKLAND

13
14 /s/ Arlene M. Rosen*

15 ARLENE M. ROSEN, Senior Deputy City Attorney
16 Attorneys for Defendants CITY OF OAKLAND,
17 BERNARD ORTIZ, STEVEN TORIBIO, PATRICK
GERRANS, ROBERT GERRANS and R. GARCIA

18 DATED: May 30, 2014

BREMER WHYTE BROWN & O'MEARA LLP

19 /s/ Raymond Meyer, Jr.*

20 RAYMOND MEYER, JR.

21 NICHOLAS C. YOUNG

22 Attorneys for Defendants PERSONAL PROTECTIVE
SERVICES, INC., DEMONT MARROW, STANLEY
23 TEETS, LADALE SLOCUM, MEREDITH WILSON
24 and RENE GARCIA

25 *Mr. Haddad, Ms. Rosen, and Mr. Meyer provided their consent that this document be
26 electronically filed.

~~**PROPOSED**~~ **ORDER**

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

Pursuant to stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED. Further, the trial date and all pending pretrial dates in this matter are vacated. Plaintiff's motion for reasonable attorneys' fees shall be briefed and heard on the following schedule:

Plaintiff's motion and opening brief filed by:	June 27, 2014
Defendants' opposition filed by:	July 18, 2014
Plaintiff's reply brief filed by:	August 1, 2014
Motion hearing date:	August 28, 2014

Dated: June 2, 2014



HONORABLE DONNA M. RYU
United States Magistrate Judge