

1 DENNIS J. HERRERA, State Bar #139669
 City Attorney
 2 CHERYL ADAMS, State Bar #164194
 Chief Trial Deputy
 3 MARGARET W. BAUMGARTNER, State Bar #151762
 Deputy City Attorney
 4 Fox Plaza
 1390 Market Street, 6th Floor
 5 San Francisco, California 94102-5408
 Telephone: (415) 554-3859
 6 Facsimile: (415) 554-3837
 E-Mail: margaret.baumgartner@sfgov.org
 7

8 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO,
 9 BLAKE CUNNINGHAM, CONSTANTINE
 ZACHOS, JOSEPH OBIDI and MARIO MOLINA
 10

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 DAVID CLIFTON,
 Plaintiff,
 15 vs.
 16 CITY AND COUNTY OF SAN
 17 FRANCISCO; and OFFICERS DOES 1-20,
 18 Defendants.

Case No. C14-03539 KAW

~~PROPOSED~~ ORDER DISMISSING
 PLAINTIFF'S MONELL CLAIM AND ANY
 CLAIM BASED ON ENTERING AND SEARCH
 OF RESIDENCE

Trial Date: Jan. 11, 2016

1 **STIPULATION**

2 WHEREAS Plaintiff David Clifton included in his amended complaint as the Second Cause of
3 Action a claim against the City and County of San Francisco;

4 WHEREAS Plaintiff agreed that rather than the City filing a summary judgment motion that
5 Plaintiff would dismiss the claim against the City;

6 WHEREAS Plaintiff included in his amended complaint allegations that San Francisco Police
7 Officer illegal entered and searched his residence;

8 WHEREAS Plaintiff admits that at the time of the incident he had a search condition that
9 allowed the officers to lawfully enter and search his residence and person; and

10 WHEREAS Plaintiff agreed that rather than all Defendants filing a motion for summary
11 judgment on Plaintiff's claim of illegal entry and/or illegal search that Plaintiff would dismiss that
12 claim;

13 NOW THEREFORE BE IT STIPULATED THAT:

14 1. Plaintiff dismisses his second cause of action against the City and County of San Francisco
15 with prejudice.

16 2. Plaintiff dismisses with prejudice any portion of his first cause of action against all
17 individual Defendants for violation of the Fourth Amendment to the extent that the claim includes a
18 claim that the officers unlawfully entered and/or searched his residence.

19 SO STIPULATED.

20 Dated: September 3, 2015

DENNIS J. HERRERA
City Attorney
MARGARET W. BAUMGARTNER
Deputy City Attorney

21
22
23 By: /s/ Margaret W. Baumgartner
MARGARET W. BAUMGARTNER
Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO ET AL.

24
25
26 Dated: September 3, 2015

LAW OFFICE OF STANLEY GOFF

27 By: /s/ Stanley Goff
STANLEY GOFF
Attorney for Plaintiff David Clifton

PROPOSED ORDER

1
2 For good cause shown, and pursuant to agreement of the parties, Plaintiff's second cause of
3 action against the City is dismissed with prejudice, and that any portion of Plaintiff's first cause of
4 action based on an allegation that officers illegal entered or/or searched his residence are both
5 dismissed with prejudice.

6 SO ORDERED.

7
8 Date: 9/10/15


UNITED STATES MAGISTRATE JUDGE
KANDIS A. WESTMORE