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 7 CONNER, MICHAEL MEADE, M.D.,  
 CHRISTINE FERRY, ALEXANDER  
 8 CHYORNY, M.D., and OFFICER CONNER

**\*E-FILED - 1/21/10\***

9  
 10 UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 (San Jose)

12  
 13 DAVID LITMON, JR., ) No. C03-2054 RMW  
 14 Plaintiffs, )  
 15 v. ) **STIPULATION AND ORDER FOR**  
 16 SANTA CLARA COUNTY, et al., ) **DISMISSAL**  
 17 Defendants. )  
 18

19 Plaintiff, David Litmon (“Plaintiff”) and Defendants Edward Flores, Lieutenant Douglas  
 20 Taylor, Mitchell Conner, Michael Meade, M.D., Christine Ferry, Alexander Chyorny, M.D.,  
 21 and Officer Conner (“Defendants”), hereby stipulate and agree to a binding Court order as  
 22 follows:

23 Whereas on May 2, 2003 Plaintiff filed a complaint.

24 Whereas on March 29, 2004 this Court ordered service of the operative Second Amended  
 25 Complaint.

26 Whereas on March 31, 2009 the court granted Defendants’ Motion for Summary  
 27 Judgment and entered Judgment in favor of Defendants.

28 Whereas on May 29, 2009 Plaintiff filed a Notice of Appeal.

1           Whereas the Ninth Circuit has not docketed that appeal due to a separately existing Ninth  
2 Circuit pre-filing order governing pro per appeals filed by Plaintiff.

3           Whereas during the Settlement Conference on November 13, 2009 the parties entered into  
4 a global settlement agreement involving Case Nos. C00-20345, C03-2054, and C09-2158.

5           Whereas Plaintiff and Defendant agree to waive any claim for costs and/or attorneys' fees  
6 against one another.

7           Now therefore, pursuant to Rule 42 of the Federal Rules of Appellate Procedure, the  
8 parties stipulate that the District Court may dismiss this appeal.

9           IT IS SO STIPULATED:

10  
11 Dated: January \_\_\_\_, 2010

By: \_\_\_\_\_  
DAVID LITMON, JR.

12 Plaintiff in Pro Per

13  
14  
15 MIGUEL MÁRQUEZ  
Acting County Counsel

16  
17 Dated: January 20, 2010

By: \_\_\_\_\_ /S/  
MELISSA R. KINIYALOCTS  
Lead Deputy County Counsel

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19 Attorneys for Defendants  
20 EDWARD FLORES, LIEUTENANT  
DOUGLAS TAYLOR, MITCHELL  
21 CONNER, MICHAEL MEADE, M.D.,  
CHRISTINE FERRY, ALEXANDER  
22 CHYORNY, M.D., and OFFICER  
CONNER

23  
24 **ORDER**

25           IT IS HEREBY ORDERED that Plaintiff's appeal from District Court Case No. C03-2054  
26 is dismissed.

27 Dated: 1/21/10

  
RONALD M. WHYTE  
Judge of the Superior Court

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