

1 **BOHM, MATSEN, KEGEL & AGUILERA, LLP**

2 Lee A. Wood (SBN 58676)
3 Thomas V. Perea (SBN 140223)
4 695 Town Center Drive, Suite 700
5 Santa Ana, California 92626
6 Telephone: (714) 384-6500
7 Facsimile: (714) 384-6501

8 Attorneys for Defendants CITY OF SEASIDE
9 *(also erroneously served as SEASIDE POLICE DEPARTMENT)*,
10 MATTHEW DOZA, NICK BORGES, DAN CHARLTON and
11 ANTHONY J. SOLLECITO *(erroneously sued as Anthony Sellicito)*

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 EVELYN ROSA and ROBERT ROSA, individually)
15 and TAMMY HIKE as the personal representatives)
16 of MICHAEL ROBERT ROSA, deceased, and as)
17 Guardian ad Litem for H.R., a minor)

18 Plaintiffs,

19 v.

20 CITY OF SEASIDE and SEASIDE POLICE)
21 DEPARTMENT, CITY OF DEL REY OAKS and)
22 DEL REY OAKS POLICE DEPARTMENT,)
23 MONTEREY PENINSULA AIRPORT DISTRICT)
24 and MONTEREY PENINSULA AIRPORT)
25 POLICE DEPARTMENT, CITY OF MONTEREY)
26 and MONTEREY POLICE DEPARTMENT,)
27 COUNTY OF MONTEREY and MONTEREY)
28 COUNTY SHERIFF'S DEPARTMENT, DEL REY)
OAKS POLICE CHIEF RON LANGFORD,)
MONTEREY POLICE CHIEF CARLO CUDIO,)
MONTEREY SHERIFF MIKE KANALAKIS)
AND SEASIDE POLICE CHIEF ANTHONY J.)
SELLECITO, SEASIDE POLICE OFFICERS)
MATTHEW DOZA, NICK BORGES, and)
CHARLTON, DEL REY OAKS POLICE)
OFFICER RUSSELL VANZANTEN, AIRPORT)
POLICE DEPARTMENT OFFICER JEFF)
POWELL, MONTEREY POLICE OFFICER)
KATIE REYES, MONTEREY COUNTY)
SHERIFF'S DEPUTIES JOE PALAZZOLO and)
IRONS, TASER INTERNATIONAL, INC., and)
DOES 1 to 10,

Defendants.

Case No.: C 05-03577 JF
Assigned To: *Hon. Jeremy Fogel*

**[PROPOSED] ORDER DISMISSING
PLAINTIFFS' COMPLAINT AGAINST
DEFENDANTS CITY OF SEASIDE,
MATTHEW DOZA, NICK BORGES,
DAN CHARLTON AND ANTHONY J.
SOLLECITO WITH PREJUDICE**

Disc. Cutoff: 4/17/09
Motion Cutoff: 6/05/09
PTC: 6/26/09
Trial: 7/17/09

1 The Court, having considered the stipulation of the parties and finding good cause for the
2 requested order set forth therein, HEREBY ORDERS as follows:

3 Pursuant to the provisions of Fed. R. Civ. Proc. Rule 41, Plaintiffs Evelyn Rosa and Robert
4 Rosa as individuals, and Holly Rosa, individually and as the personal representative of Michael
5 Robert Rosa's Complaint against Defendants City of Seaside, Matthew Doza, Nick Borges, Dan
6 Charlton and Anthony J. Sollecito is hereby DISMISSED with prejudice. This Court, however,
7 hereby reserves jurisdiction to enforce the terms of the settlement agreement between the parties to
8 this action.

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Dated: March 18, 2009



Hon. Jeremy Fogel
JUDGE OF THE U.S. DISTRICT COURT

Proposed Order re Stipulation for Dismissal

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the City of Costa Mesa, County of Orange, State of California. I am over the age of 18
4 years and not a party to the within action. My business address is 695 Town Center Drive, Ste. 700, Costa
5 Mesa, CA 92626. On March 17, 2009 I served the documents named below on the parties in this action as
follows:

6 DOCUMENT(S) SERVED: [PROPOSED] ORDER DISMISSING PLAINTIFFS' COMPLAINT
7 AGAINST DEFENDANTS CITY OF SEASIDE, MATTHEW DOZA, NICK
8 BORGES, DAN CHARLTON AND ANTHONY J. SOLLECITO WITH
9 PREJUDICE

10 SERVED UPON: SEE ATTACHED SERVICE LIST

11 (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in
12 the United States mail at Santa Ana, California. I am readily familiar with the practice of
13 Bohm, Matsen, Kegel & Aguilera, LLP for collection and processing of correspondence for
14 mailing, said practice being that in the ordinary course of business, mail is deposited in the
15 United States Postal Service the same day as it is placed for collection. I am aware that on
16 motion of the party served, service is presumed invalid if postal cancellation date or postage
17 meter date is more than one day after date of deposit for mailing in affidavit.

18 (BY PERSONAL SERVICE) I **CAUSED** the above-referenced document(s) to be personally
19 delivered to the addresses listed on the attached Service List by close of business on March
20 17, 2009.

21 (BY FEDERAL EXPRESS) I am readily familiar with the practice of Bohm, Matsen, Kegel &
22 Aguilera, LLP for the collection and processing of correspondence for overnight delivery and
23 known that the document(s) described herein will be deposited in a box or other facility
24 regularly maintained by Federal Express for overnight delivery.

25 (BY FACSIMILE WHERE INDICATED) The above-referenced document was transmitted by
26 facsimile transmission and the transmission was reported as complete and without error.
27 Pursuant to C.R.C. 2009(l), I caused the transmitting facsimile machine to issue properly a
28 transmission report.

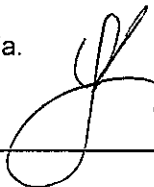
29 (BY ELECTRONIC FILING WITH THE U.S. DISTRICT COURT) By submitting said
30 documents for Electronic Case Filing on said date pursuant to Local Rule 5-4 and General
31 Order 45, at Bohm, Matsen, Kegel & Aguilera, LLP, 695 Town Center Drive, Ste. 700, Costa
32 Mesa, CA 92626.

33 (STATE) I declare under penalty of perjury under the laws of the State of California that the
34 above is true and correct.

35 (FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at
36 whose direction this service was made.

37 Executed on March 17, 2009, at Costa Mesa, California.

38 _____
Kym Smith



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SERVICE LIST

Rosa, et al. v. City of Seaside, et al.

Case No. C 05-03577 PVT

U.S. District Court, Northern District (San Jose)

John Christopher Burton, Esq.
THE L/O OF JOHN BURTON
414 South Marengo Avenue
Pasadena, CA 91101
jb@johnburtonlaw.com
Tel: (626) 449-8300
Fax: (626) 449-4417

Lead Attorney for Plaintiffs,
EVELYN ROSA and **ROBERT ROSA**, individually and
as the personal representatives of **MICHAEL ROBERT
ROSA**, deceased, and **DAVID ROSA**, as Guardian ad
Litem for **H.R.**, a minor

Peter M. Williamson, Esq.
WILLIAMSON & KRAUSS
18801 Ventura Blvd., Suite 206
Tarzana, CA 91356
pmw@williamson-krauss.com
Tel: (818) 344-4000
Fax: (818) 344-4899

Co-Counsel for Plaintiffs,
EVELYN ROSA and **ROBERT ROSA**, individually and
as the personal representatives of **MICHAEL ROBERT
ROSA**, deceased, and **DAVID ROSA**, as Guardian ad
Litem for **H.R.**, a minor

Mildred K. O'Linn, Esq.
Timothy Kral, Esq.
**MANNING & MARDER, KASS, ELLROD,
RAMIREZ, LLP**
15th Floor at 801 Tower
801 S. Figueroa Street
Los Angeles, CA 90017
Tel: (213) 624-6900
Fax: (213) 624-6999
mko@mmker.com

Attorneys for Defendant,
TASER INTERNATIONAL, INC.