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E-FILED 1/23/09

6 Attorneys for Defendants CITY OF SAN JOSE,
 7 IAN COOLEY, STEVE GUGGIANA, PAUL CASTILLO,
 SHANE LUEDDEKE, and KIRK NIEMEYER

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE FACILITY

12 CHRISTINE RIOS, individually and as
 guardian ad litem for her son, JOSE
 13 ANGEL RIOS, JR., and as Administratrix
 for the estate of JOSE ANGEL RIOS,

NO.: C06-07036 RS

**STIPULATION OF DISMISSAL; AND
 [PROPOSED] ORDER**

14 Plaintiff,

15 v.

16 THE CITY OF SAN JOSE, IAN COOLEY,
 17 individually and as an officer of the San
 Jose Police Department, STEVE
 18 GUGGIANA, individually and as an officer
 of the San Jose Police Department, PAUL
 19 CASTILLO, individually and as an officer
 of the San Jose Police Department,
 20 SHANE LEUDDEKE, individually and as
 an officer of the San Jose Police
 21 Department, KIRK NIEMEYER,
 individually and as an officer of the San
 22 Jose Police Department, and DOES 1
 through 50, inclusive,

23 Defendants.

25 **IT IS HEREBY STIPULATED AND AGREED** pursuant to Federal Rules of Civil
 26 Procedure, Rule 41(a)(1) by and between plaintiffs CHRISTINE RIOS, individually and as
 27 guardian ad litem for her son, JOSÉ ANGEL RIOS, JR., and as Administratrix for the estate
 28 of JOSÉ ANGEL RIOS, and all defendants that:

- 1 1. This action was commenced on November 13, 2006.
2 2. The action is not a class action, a receiver has not been appointed, and the
3 action is not governed by any statute of the United States that requires an order of the Court
4 for dismissal.
5 3. This action is hereby dismissed, in its entirety, with prejudice.

6 DATED: January 23, 2009

RICHARD DOYLE, City Attorney

7
8 By: 

CLIFFORD S. GREENBERG
Senior Deputy City Attorney

9
10 Attorneys for Defendants CITY OF SAN
11 JOSE, IAN COOLEY, STEVE GUGGIANA,
12 PAUL CASTILLO, SHANE LUEDDEKE, and
13 KIRK NIEMEYER

14 DATED: January 23, 2009

MORALES & LEANOS

15
16 By: 

JAIMÉ LEANOS

17 Attorneys for Plaintiffs CHRISTINE RIOS,
18 individually and as guardian ad litem for her
19 son, JOSÉ ANGEL RIOS, JR., and as
20 Administratrix for the estate of JOSÉ ANGEL
21 RIOS

22 **ORDER**

23 Pursuant to the Stipulation of Dismissal by and between the parties to this action,
24 through their designated counsel, the above-captioned action is hereby dismissed with
25 prejudice pursuant to FRCP 41(a)(1). It is further ordered that each party shall bear their own
26 fees and costs.

27 Dated: 1/23/09



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE