

1 DAVID SHEUERMAN SB#78132  
 2 DEBORAH L. PHILLIPS SB#164689  
 3 SHEUERMAN, MARTINI & TABARI  
 4 A Professional Corporation  
 5 1033 Willow Street  
 6 San Jose, CA 95125  
 7 Telephone: (408) 288-9700  
 8 Facsimile: (408) 295-9900  
 9 Email: [dsheuerman@smtlaw.com](mailto:dsheuerman@smtlaw.com)

6 -and-

7 ANN MILLER RAVEL, County Counsel (SB#62139)  
 8 GREGORY J. SEBASTINELLI, Deputy County Counsel (SB#104884)  
 9 DAVID M. ROLLO, Deputy County Counsel (SB#111998)  
 10 OFFICE OF THE COUNTY COUNSEL  
 11 70 West Hedding, East Wing, 9<sup>th</sup> Floor  
 12 San Jose, California 95110-1770  
 13 Telephone: (408) 299-5900  
 14 Facsimile: (408) 292-7240

11 Attorneys for Defendants, COUNTY OF SANTA CLARA  
 12 AND ITS OFFICE OF THE SHERIFF, DEPARTMENT OF  
 13 CORRECTION, AND SANTA CLARA VALLEY HEALTH  
 14 AND HOSPITAL SYSTEM; LAURIE SMITH; EDWARD  
 15 FLORES; TOBY WONG; KIM ROBERTS; ROBERT SILLEN;  
 16 MARYANN BARRY; DENISE BECKER; CHRISTINE FERRY;  
 17 BEVERLY PURDY; AMARJIT GREWAL; NANCY MAGER;  
 18 and HERBIE DE LA CRUZ

16 IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA  
 17 NORTHERN DISTRICT OF THE STATE OF CALIFORNIA  
 18 SAN JOSE DIVISION

20 ESTHER KRENN and ESTATE OF ANDREW )  
 21 MARTINEZ By and Through his Administratrix, )  
 22 ESTHER KRENN, )

22 Plaintiffs, )

23 v. )

24 COUNTY OF SANTA CLARA; et al. )

25 Defendant. )

No. CV 07-02295 JW PVT

**STIPULATION AND ORDER  
 DISMISSING WITH  
 PREJUDICE THE COMPLAINT  
 OF PLAINTIFF ESTHER  
 KRENN, IN HER INDIVIDUAL  
 CAPACITY AND AS PERSONAL  
 REPRESENTATIVE FOR  
 ANDREW MARTINEZ, IN  
 FAVOR OF DEFENDANTS  
 OFFICE OF THE SHERIFF,  
 DEPARTMENT OF  
 CORRECTION, AND SANTA**

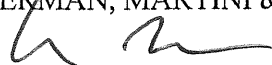
28

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

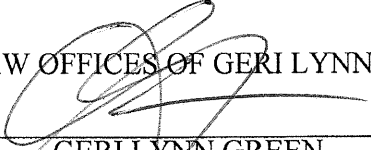
) CLARA VALLEY HEALTH  
) AND HOSPITAL SYSTEM;  
) LAURIE SMITH; EDWARD  
) FLORES; TOBY WONG; KIM  
) ROBERTS; ROBERT SILLEN;  
) MARYANN BARRY; DENISE  
) BECKER; CHRISTINE FERRY;  
) BEVERLY PURDY; AMARJIT  
) GREWAL; NANCY MAGER;  
) and HERBIE DE LA CRUZ

The parties, by and through their respective counsel of record, hereby stipulate pursuant to FRCP 41 (A) (1) and agree to an order dismissing with prejudice the Complaint For Violation of Civil Rights and Wrongful Death filed by Plaintiff Esther Krenn, in her individual capacity, and as personal representative for Andrew Martinez, as against Defendants COUNTY OF SANTA CLARA OFFICE OF THE SHERIFF, DEPARTMENT OF CORRECTION, AND SANTA CLARA VALLEY HEALTH AND HOSPITAL SYSTEM; LAURIE SMITH; EDWARD FLORES; TOBY WONG; KIM ROBERTS; ROBERT SILLEN; MARYANN BARRY; DENISE BECKER; CHRISTINE FERRY; BEVERLY PURDY; AMARJIT GREWAL; NANCY MAGER; and HERBIE DE LA CRUZ in connection with the above-referenced matter. The parties further stipulate and agree said dismissal is in consideration of a mutual release of and waiver of statutory costs and attorneys' fees by plaintiff and said defendants. The parties further stipulate and agree to an order whereby all such parties waive any claim for statutory costs and/or attorneys' fees against one another.

Dated: April 22, 2009.

SHEUERMAN, MARTINI & TABARI  
By   
DAVID SHEUERMAN  
Attorneys for County Defendants

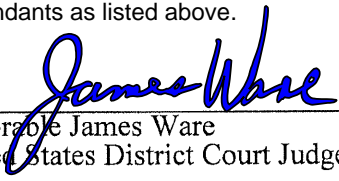
Dated: April 22, 2009.

LAW OFFICES OF GERI LYNN GREEN  
By   
GERI LYNN GREEN  
Attorneys for Plaintiff

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

**IT IS SO ORDERED.** The Clerk shall terminate the defendants as listed above.

Dated: May 1, 2009

  
\_\_\_\_\_  
Honorable James Ware  
United States District Court Judge