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7 *Attorneys for Defendant*
8 WESTFIELD, LLC


9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 THOMAS VAN ZANDT,
12 Plaintiff,
13 vs.
14 CITY OF SAN JOSE, *et al.*,
15 Defendants.

) Case No. 5:07-CV-04987 JF
)
) **(proposed)**
) **ORDER OF DISMISSAL OF**
) **DEFENDANT WESTFIELD LLC**
)
)
)
)

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17 Pursuant to plaintiff's request for dismissal, a copy of which is attached hereto as Exhibit A, it is
18 hereby ordered that defendant Westfield LLC is dismissed from this action, with prejudice, each side
19 to bear their own attorney's fees and costs.

20 Dated: 2/23/09


21 **HON. JEREMY FOGEL**
22 **JUDGE OF THE U.S. DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**

1 Robert R. Powell, Esq.
2 Dennis R. Ingols, Esq.
3 **OFFICES OF ROBERT R. POWELL**
4 925 W. Hedding Street
5 San Jose, CA 95126
6 Telephone: (408) 553 0200
7 Facsimile: (408) 553 0203

8 *Attorneys for Plaintiff*
9 THOMAS VAN ZANDT

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 THOMAS VAN ZANDT,

13 Plaintiff,

14 vs.

15 CITY OF SAN JOSE, *et al.*,

16 Defendants.

) Case No. 5:07-CV-04987 JF
)
) **REQUEST FOR DISMISSAL OF**
) **DEFENDANT WESTFIELD LLC**
)
)
)
)
)
)

17 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

18 **PLEASE TAKE NOTICE** that plaintiff THOMAS VAN ZANDT requests that defendant
19 WESTFIELD LLC only be dismissed with prejudice from this action. Each side to bear their own
20 attorney's fees and costs.

21 Dated: February 4, 2009

OFFICES OF ROBERT R. POWELL

22 By: *D. Ingols*

23 **ROBERT R. POWELL**
24 *Attorneys for Plaintiff*
25 THOMAS VAN ZANDT

EXHIBIT

A

1 of 3

Thomas Van Zandt vs. Westfield Oakridge Mall
United State District Court Action No. 5:07-CV-04987-JF

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is: 339 South San Antonio Road, Los Altos, California 94022. On the date listed below, I served the within **REQUEST FOR DISMISSAL** on the parties in said cause,

- By ECF/Pacer e filing;
- By facsimile transmission during regular business hours to the telephone number[s] below.
- By PERSONAL SERVICE at the address listed below.
- By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Altos, addressed as follows:

<p><u>Attorneys For:</u> plaintiff THOMAS VAN ZANDT Robert R. Powell, Esq. Dennis R. Ingols, Esq. Offices of R. Powell 925 W. Hedding Street San Jose, CA 95126 (408) 553 0200 fax (408) 553 0203</p>	<p><u>Attorneys for:</u> PROFESSIONAL SECURITY CONSULTANTS; DANIEL GARCIA; RYAN SCOTT Sejal Ojha, Esq. Kenneth S. Kawabata, Esq. Manning & Marder 550 West "C" Street #1900 San Diego, CA 92101 (619) 515 0269 fax (619) 515 0268 (213-624-6900 – Los Angeles)</p>
<p><u>Co-counsel for:</u> PROFESSIONAL SECURITY CONSULTANTS; DANIEL GARCIA; RYAN SCOTT Sejal Ojha, Esq. Manning & Marder One California Street #1100 San Francisco, CA 94111 (415) 217 6990 fax (415) 217 6999</p>	<p><u>Attorneys for:</u> CITY OF SAN JOSE; OFFICER DANIEL PFEIFER, OFFICER MARK NATIVIDAD, OFFICER ANTHONY WEIR AND OFFICER HIGGINS Richard Doyle, Esq., City Attorney Nora Frimann, Esq., Chief Trial Attorney Michael R. Groves, Esq., Sr. Deputy City Attorney Steven Dippell, Esq., Sr. Deputy City Attorney Office of the City Attorney 200 East Santa Clara Street San Jose, CA 95113-1905 (408) 535-1900 fax (408) 998-3131</p>

EXHIBIT **A**

2 of **3**

Attorneys for: SAMANTHA FEIN

David J. Stock, Esq.
Rankin, Landsness et al
96 N. Third Street #500
San Jose, CA 95112-5572
(408) 293 0463 fax (408) 293 9514

Co-counsel for: SAMANTHA FEIN

Steven Sheriff Abern, Esq.
Haapala, Thompson & Abern, LLP
1939 Harrison Street #800
Oakland, CA 94612
(510) 763 2324 fax (510) 273 8570

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 9, 2009, at Los Altos, California.

RANDE A. HARRIS

(name)



(signature)

EXHIBIT A

3 of 3

Thomas Van Zandt vs. Westfield Oakridge Mall
United State District Court Action No. 5:07-CV-04987-JF

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I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is: 339 South San Antonio Road, Los Altos, California 94022. On the date listed below, I served the within **(proposed) ORDER OF DISMISSAL OF WESTFIELD LLC** on the parties in said cause,

- By ECF/Pacer e filing;
- By facsimile transmission during regular business hours to the telephone number[s] below.
- By PERSONAL SERVICE at the address listed below.
- By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Altos, addressed as follows:

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