

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

ROBERT R. POWELL, ESQ. CSB: 159747
DENNIS R. INGOLS, ESQ. CSB: 236458
LAW OFFICES OF ROBERT R. POWELL
925 West Hedding Street
San José, California 95126
T: 408-553-0200 F: 408-553-0203
E: rpowell@rrpassociates.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

THOMAS VAN ZANDT)	Case No. CV 07 – 04987 JF
)	
Plaintiff,)	STIPULATION AND ORDER
v.)	
)	
CITY OF SAN JOSE, et al.,)	
)	
Defendants.)	
)	

The City of san Jose and police officers Pfeifer, Natividad, Weir, and Higgins, Defendants in the above-captioned matter, and Plaintiff Thomas Van Zandt, do hereby agree and stipulate as follows, and request the Court order same.

This stipulation is based on the following facts and considerations:

The aforementioned Defendants moved for, and were granted, summary judgment on all of Plaintiff's claims against them;

Plaintiff has a right to appeal the Court's ruling on said Defendants' Motion for Summary Judgment;

The aforementioned Defendants have filed a Bill of Costs.

1 The parties have agreed and stipulate to a mutual waiver of fees and costs, and Plaintiff
2 further stipulates and agrees to waive his right to appeal the decision of this Court with
3 respect to the City of San Jose, and Defendants Pfiefer, Natividad, Weir, and Higgins' Motion
4 for Summary Judgment.

5 Based on the foregoing, it is stipulated as follows:


- 6
- 7 1. Defendants City of San Jose, Pfiefer, Natividad, Weir, and Higgins hereby withdraw
8 their Bill of Costs;
 - 9 2. Plaintiff hereby waives all rights to appeal the Court's grant of Summary Judgment to
10 Defendants City of San Jose, Pfiefer, Natividad, Weir, and Higgins;
 - 11 3. Plaintiff and the aforementioned Defendants all to bear their own attorney's fees and
12 costs;
 - 13 4. Nothing in this Stipulation shall be interpreted to effect in any way Plaintiff's claims
14 as against Defendants Professional Security Consultants, Ryan Scott, Daniel Garcia,
15 and Samantha Fein, specifically including but without limitation, his right to re-file
16 those claims in state court.

17 IT IS SO STIPULATED.

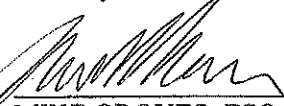
18 November 4, 2009


Thomas Van Zandt, Plaintiff

19
20 November 4, 2009


DENNIS R. INGOLS, ESQ.
Attorney for Plaintiff

21
22
23 November 4, 2009


MIKE GROVES, ESQ.
Attorney for Defendants
City of San Jose, Pfieffer,
Natividad, Weir, and Higgins

ORDER

Based on the foregoing stipulation of the parties, the court does hereby adopt said stipulation and makes same an order of this court.

Date: 11/ 12 /09



JUDGE JEREMY FOGEL
U.S.D.C. NORTHERN DISTRICT
OF CALIFORNIA

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