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5 Attorneys for Defendant  
 6 CITY OF SANTA CLARA

7  
 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **NORTHER DISTRICT OF CALIFORNIA**

10 NANCY NAVA, )  
 11 Plaintiff, )  
 12 vs. )  
 13 MIKE SEADLER, individually and in )  
 14 his capacity as a Santa Clara police )  
 officer; CLYDE CHENG, individually )  
 15 and in his capacity as a Santa Clara )  
 police officer; ALEX TORKE, )  
 16 individually and in his capacity as a )  
 Santa Clara police officer; A. WOLF, )  
 17 individually and in his capacity as a )  
 Santa Clara police officer; S. )  
 18 MAJOROS, individually and in his )  
 capacity as a Santa Clara police )  
 officer; T. SHEARER, individually )  
 19 and in his capacity as a Santa Clara )  
 police officer; J. FANUCCHI, )  
 20 individually and in his capacity as a )  
 Santa Clara police officer; T. )  
 21 NIESEN, individually and in his )  
 capacity as a Santa Clara police )  
 officer; M. OVER, individually and in )  
 22 his capacity as a Santa Clara police )  
 officer; DAN WINTER, individually )  
 23 and in his capacity as a Santa Clara )  
 police officer; A. LANGE, individually )  
 24 and in his capacity as a Santa Clara )  
 police officer; R. CIRAULO, )  
 25 individually and in his capacity as a )  
 Santa Clara police officer; J. )  
 26 MASTILOCK, individually and in his )  
 capacity as a Santa Clara police )  
 officer; A. LAYTON, individually and )  
 27 in his capacity as a Santa Clara )  
 28 police officer; J. GREEN, individually )  
 and in his capacity as a Santa Clara )

Case No. C08 03066 PVT  
**ORDER PERMITTING SUBSTITUTION  
 AND DISMISSAL OF CERTAIN  
 DEFENDANTS**

1 police officer; D. RUSH, individually )  
 and in his capacity as a Santa Clara )  
 2 police officer; F. SAUNDERS, )  
 individually and in his capacity as a )  
 3 Santa Clara police officer; D. )  
 MACHADO, individually and in his )  
 4 capacity as a Santa Clara police )  
 officer; J. OLIVER, individually and in )  
 5 his capacity as a Santa Clara police )  
 officer; B. STERKEL, individually and )  
 6 in his capacity as a Santa Clara )  
 police officer; JOHN DOE and )  
 7 RICHARD ROE, individually and in )  
 their capacities as Santa Clara police )  
 8 officers, the true names and exact )  
 numbers of whom are unknown at )  
 9 this time; CITY OF SANTA CLARA, )  
 a municipal corporation, )  
 10 )  
 11 Defendants. )  
 12 \_\_\_\_\_ )

13 THE PARTIES HAVING STIPULATED, the Court hereby orders:

- 14 1. MARK SCHALLER, individually and in his capacity as a Santa Clara police  
 15 officer, shall be added as a Defendant to this action. Plaintiff's action against Defendant  
 16 MARK SCHALLER shall not include a claim for punitive or exemplary damages.
- 17 2. Defendant MARK SCHALLER shall file a responsive pleading within 14 days  
 18 of the entry of this Order.
- 19 3. The following Defendants shall be dismissed: ANTHONY LAYTON (sued  
 20 herein as "A. LAYTON"), JOE OLIVER (sued herein as "J. OLIVER"), and BRYAN  
 21 STERKEL (sued herein as "B. STERKEL").
- 22 4. The parties shall continue good faith efforts to dismiss individual defendants  
 23 having no direct involvement with the contact at issue alleged by Plaintiff.
- 24 5. This Order is without prejudice to Plaintiff, should she deem in good faith at  
 25 a later stage in litigation that there is evidence to suggest one of the officer-defendants  
 26 enumerated in Paragraph 3 did have direct involvement with her contact at issue, to apply  
 27 for leave to add that (those) officer(s) back in as Defendants.
- 28 6. Plaintiff shall not be required to subpoena dismissed defendants for

1 deposition, but may do so to the extent otherwise appropriate upon Notice.

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DATED: 5/10/10

  
MAGISTRATE JUDGE OF THE UNITED  
STATE DISTRICT COURT