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4	Facsimile: (831) 649-3397 E-Mail: rponce@redshift.com		
5 6	Attorney for Plaintiff ALISON DAVI, a Minor, by and through her General Guardian, GIOLARMA DAVI *E-FILED - 1/21/09*		
7			
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11	ALISON DAVI, a Minor, by and through) CIVIL ACTION		
12	her General Guardian, GIOLARMA DAVI, CASE NO.: CV 08-04095 RMW		
13	Plaintiff,)		
14	v.) STIPULATION TO DISMISS ACTION		
15 16	CITY OF SEASIDE, CALIFORNIA,) KEVIN MILLER and DOES 1 through 25,) inclusive,)		
17	Defendants.		
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21	GIOLARMA DAVI filed this action against defendant CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER alleging claims of deliberate indifference in violation of 42 U.S.C. §1983; WHEREAS, defendants CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER filed a Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, order in the Alternative, Motion for a More Definite States pursuant to FRCP 12(b)(6), 12(e), currently		
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26	set for hearing on January 30, 2009 at 9:00 A.M. before this Court;		
27	WHEREAS, the parties have entered into an agreement requiring the filing of this		
28	Stipulation and [Proposed] Order re Dismissal of entire action;		
	STIPULATION TO DISMISS ACTION; ORDER		

1	NOW THEREFORE, pursuant to Local Rule 7-12, plaintiff ALISON DAVI, and		
2	defendants, CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER, through their respective		
3	counsel of record and without admitting to any liability under the claims in this case, hereby		
4	stipulate as follows:		
5	All claims against CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER are		
6	dismissed with prejudice and		
7	2. All parties shall bear their own costs, expenses and attorney's fees.		
8	DATED: January 12, 2008	LAW OFFICES OF ROBERT D. PONCE	
9			
10	BY:	/S/ Robert D. Ponce	
11		Attorney for Plaintiff, ALISON DAVI, a Minor by and through her General Guardian, GIOLARMA	
12	DATED: January 12, 2009	DAVI	
13		HOWARD ROME MARTIN & RIDLEY LLP	
14		HOWIND ROME MINITIVE RIBLET LEI	
15	BY:	/S/ Joseph C. Howard, Jr.	
16		Attorneys for Defendants, CITY OF SEASIDE and KEVIN MILLER	
17			
18	ORDER		
19	PURSUANT TO STIPULATION, IT IS SQUARDERED.		
20		Konald M. Whyte	
21	DATED:1/21/09	Hon. Ronald M. Whyte	
22		UNITED STATES DISTRICT JUDGE	
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