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5 Attorney for Plaintiff
 6 ALISON DAVI, a Minor, by and through her
 General Guardian, GIOLARMA DAVI

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 ALISON DAVI, a Minor, by and through)
 12 her General Guardian, GIOLARMA DAVI,)

CIVIL ACTION
 CASE NO.: CV 08-04095 RMW

13 Plaintiff,)

14 v.)

**STIPULATION TO DISMISS ACTION
 AND ORDER**

15 CITY OF SEASIDE, CALIFORNIA,)
 16 KEVIN MILLER and DOES 1 through 25,)
 inclusive,)

17 Defendants.)

Judge: Hon. Ronald M. Whyte

18
 19 **WHEREAS**, plaintiff ALISON DAVI, a Minor by and through her General Guardian,
 20 GIOLARMA DAVI filed this action against defendant CITY OF SEASIDE, CALIFORNIA and
 21 KEVIN MILLER alleging claims of deliberate indifference in violation of 42 U.S.C. §1983;

22 **WHEREAS**, defendants CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER filed
 23 a Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, order in
 24 the Alternative, Motion for a More Definite States pursuant to FRCP 12(b)(6), 12(e), currently
 25 set for hearing on January 30, 2009 at 9:00 A.M. before this Court;

26 **WHEREAS**, the parties have entered into an agreement requiring the filing of this
 27 Stipulation and [Proposed] Order re Dismissal of entire action;
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