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9 Attorneys for Defendant
 10 CITY OF EAST PALO ALTO

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 WILLIAM BRANNER,
 14 Plaintiff,

15 v.

16 EAST PALO ALTO POLICE
 17 DEPARTMENT; DARREN
 18 MARSHBANK; DAVE CARSON; and
 19 DOES 1 through 50, inclusive,

20 Defendants.

CASE NO.: C08-04466 JF

**STIPULATION AND [proposed] ORDER
 TO DISMISS CASE WITH PREJUDICE**

21 The parties, by and through their attorneys of record, hereby stipulate:

- 22 1. That plaintiff WILLIAMBRANNER has settled this matter with defendant CITY OF
 23 EAST PALO ALTO.
- 24 2. That the settlement required that plaintiff WILLIAMBRANNER dismiss the case in
 25 its entirety with prejudice against defendant CITY OF EAST PALO ALTO.
- 26 3. That the Court enter a Dismissal with Prejudice as to defendant CITY OF EAST PALO
 27 ALTO.
- 28 4. The parties agree to waive any claim for recovery of costs and/or attorney's fees.
5. Plaintiff WILLIAMBRANNER agrees to satisfy any liens, including but not limited
 to, any Medicare liens.

1 IT IS SO STIPULATED.

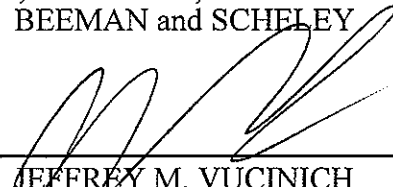
2
3 DATED: October 30, 2009

PIERCE & SHEARER, LLP

4
5 By: 
6 ANDREW F. PIERCE, ESQ.
7 Attorney for Plaintiff WILLIAM BRANNER

8 DATED: October 29, 2009

CLAPP, MORONEY, BELLAGAMBA, VUCINICH,
9 BEEMAN and SCHELEY

10
11 By: 
12 JEFFREY M. VUCINICH
13 Attorneys for Defendant CITY OF EAST PALO

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15
16 **ORDER**

17 The parties hereto, having advised the court by written notice of settlement, that they have
18 agreed to a settlement of this cause, and the parties having stipulated to, IT IS HEREBY ORDERED
19 that this case is dismissed **with** prejudice as to defendant CITY OF EAST PALO ALTO.

20
21
22 DATED: 11/12/09

23 By: 
24 U.S. DISTRICT COURT JUDGE

1 **WILLIAM BRANNER v. EAST PALO ALTO POLICE DEPARTMENT**
2 Unites States District Court, Northern District of California Case C08-04466 JF

3 **PROOF OF SERVICE - Civil**
4 [Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

5 **METHOD OF SERVICE:**

- 6 By Personal Service By Mail By Overnight Delivery
7 By Messenger Service By Facsimile By E-Mail/Electronic Transmission

- 8 1. I am a citizen of the United States and am employed in the County of San Mateo, State of
9 California. I am over the age of 18 years and not a party to the within action.
10 2. My place of employment is 1111 Bayhill Drive, Suite 300, San Bruno, CA 94066.
11 3. On the date set forth below, I caused to be served a true and correct copy of the document
12 described as:

13 **STIPULATION AND [proposed] ORDER TO DISMISS CASE WITH PREJUDICE**

- 14 4. I served the document on the persons below, as follows:

15 Andrew F. Pierce, Esq. 16 Stacy North, Esq. (SB#: 219034) 17 Pierce & Shearer LLP 2483 E.Bayshore Road, Suite 202 Palo Alto, CA 94303 Tel: (650) 843-1900 Fax: (650) 843-1999 email: apierce@pierceshearer.com <u>Attys for Plaintiff WILLIAM BRANNER</u>	15 Norman Newhouse, Esq. 16 Law Offices of Norman Newhouse 483 Seaport Court, Suite 103 Redwood City, CA 94063 Tel: (650) 365-8534 Fax: (650) 365-1218 email: norm@normannewhouse.com
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- 18 5. The document was served by the following means (specify):
- 19 a. **BY PERSONAL SERVICE.** I personally delivered the documents to the
20 persons at the addresses listed in item 4. (1) For a party represented by an
21 attorney, delivery was made to the attorney or at the attorney's office by
22 leaving the documents in an envelope or package clearly labeled to identify
23 the attorney being served with a receptionist or an individual in charge of the
24 office. (2) For a party, delivery was made to the party or by leaving the
25 documents at the party's residence with some person not less than 18 years of
26 age between the hours of eight in the morning and six in the evening.
- 27 b. **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope
28 or package addressed to the persons at the addresses in item 4 and (specify
one):
- (1) deposited the sealed envelope with the United States Postal Services,
with the postage fully prepaid.
- (2) placed the envelope for collection and mailing, following our ordinary
business practices. I am readily familiar with this business's practice
for collecting and processing correspondence for mailing. On the

1 same day that correspondence is placed for collection and mailing, it
2 is deposited in the ordinary course of business with the United States
Postal Service, in a sealed envelope with postage fully prepaid.

3 I am resident or employed in the County where the mailing occurred. The envelope or
4 package was placed in the mail at San Bruno, California, County of San Mateo.

5 c. **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope
6 or package provided by an overnight delivery carrier and addressed to the
7 persons at the addresses in item 4. I place the envelope or package for
8 collection and overnight delivery at an office or a regularly utilized drop box
9 of the overnight delivery carrier.

10 d. **BY MESSENGER SERVICE.** I served the documents by placing them in
11 an envelope or package addressed to the persons at the addresses listed in
12 item 4 and providing them to a professional messenger service for service.

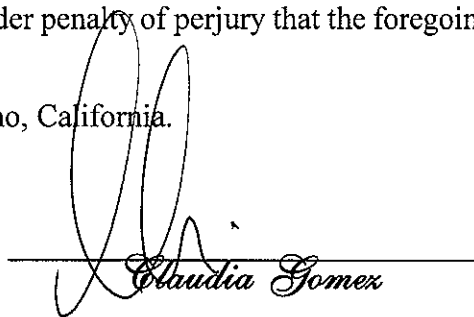
13 e. **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept
14 service by fax transmission, I faxed the documents to the persons at the fax
15 numbers listed in item 4. No error was reported by the fax machine that I
16 used. A copy of the record of the fax transmission, which I printed out, is
17 attached.

18 f. **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court
19 order or an agreement of the parties to accept service by e-mail or electronic
20 transmission, I caused the documents to be sent to the persons at the email
21 addresses listed in item 4. I did not receive, within a reasonable time after the
22 transmission, any electronic message or other indication that the transmission
23 was unsuccessful.

24 **(State)** I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 **(Federal)** I declare that I am employed in the offices of a member of the bar of this court at
27 whose direction this service was made. I declare under penalty of perjury that the foregoing is true
28 and correct.

Executed on November 4, 2009, at San Bruno, California.



Claudia Gomez

Proof of Service - Civil
[Code of Civ.Proc. §§ 1011, 1013, 1013a, 2015.5]