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6 Attorneys for Defendants, OFFICER LUTTICKEN and
 7 OFFICER VAUGHN

8 THERESE ARIZMENDI
 9 PO BOX 731560
 San José, California 95173

10 Plaintiff In Pro Per

11
 12 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14
 15 THERESE ARIZMENDI *et al*,
 16 Plaintiffs,
 17 v.
 18 CITY OF SAN JOSE, *et al*,
 19 Defendants.

Case Number: C-08-05163 EJD
STIPULATION OF DISMISSAL
 (Fed R Civ P 41(a)(1))

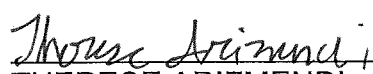
20
 21 IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil
 22 Procedure, Rule 41(a)(1), by and between Plaintiff Therese Arizmendi and all Defendants
 23 who have appeared in this action, as follows:

- 24 1. This action was commenced on or about November 13, 2008.
- 25 2. The action is not a class action; a receiver has not been appointed; and the
- 26 action is not governed by any statute of the United States that requires an order of the
- 27 court for dismissal.
- 28 3. This action is hereby dismissed, in its entirety, with prejudice.

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4. Each party is to bear their own costs and attorneys' fees.

Dated: January 7, 2013



THERESE ARIZMENDI
Plaintiff

DATED: January 7, 2013

RICHARD DOYLE, City Attorney

By: 

DAISY M. NISHIGAYA
Deputy City Attorney

Attorneys for Defendants OFFICER
LUTTICKEN and OFFICER VAUGHN

IT IS SO ORDERED

The Clerk shall close this file.
Dated: February 7, 2013



United States District Judge Edward J. Davila

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SANTA CLARA }

On JAN. 7, 2013 before me, RUTH HALTON, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer

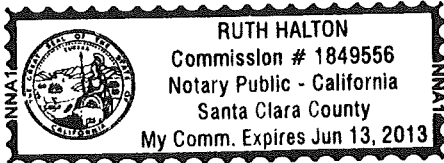
personally appeared THERESE ARIZMENDI
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ruth Halton
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: STIPULATION OF DISMISSAL

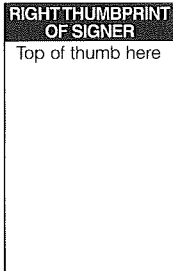
Document Date: JANUARY 7, 2013 Number of Pages: 2

Signer(s) Other Than Named Above: DABY M. NISHIGAYA

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

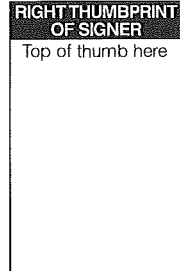
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

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2 **PROOF OF SERVICE**

3 CASE NAME: *Arizmendi, et al. v. City, et al.*

4 CASE NO.: C-08-05163 EJD

5 I, the undersigned declare as follows:

6 I am a citizen of the United States, over 18 years of age, employed in Santa Clara
7 County, and not a party to the within action. My business address is 200 East Santa Clara
8 Street, San Jose, California 95113-1905, and is located in the county where the service
9 described below occurred.

10 On February 5, 2013, I caused to be served the within:

11 **STIPULATION OF DISMISSAL**
12 **(Fed R Civ P 41(a)(1))**

13 by MAIL, with a copy of this declaration, by depositing them into a sealed envelope,
14 with postage fully prepaid, and causing the envelope to be deposited for collection
15 and mailing on the date indicated above.

16 I further declare that I am readily familiar with the business' practice for collection
17 and processing of correspondence for mailing with the United States Postal
18 Service. Said correspondence would be deposited with the United States Postal
19 Service that same day in the ordinary course of business.

20 Addressed as follows:

21 Ms. Therese Arizmendi
22 P.O. Box731560
23 San Jose, CA 95173

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed on February 5, 2013, at San Jose, California.

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27
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Monica Ibarra