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E-FILED - 9/2/10

12 Attorney for Plaintiffs,
 13 BERNARDINO BARRERA, et al.,

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 BERNARDINO BARRERA, DOLORES
 BARRERA, MARIA BARRERA, JOSE
 18 BARRERA, A.B., a minor child, by and
 through her Guardian ad Litem,
 19 DOLORES BARRERA,

CASE NO.: C09-00858 RMW

20 Plaintiffs,

**STIPULATION AND ORDER RE:
 WITHDRAWAL OF E-FILED
 DOCUMENTS FROM THE DOCKET
 SHEET**

21 vs.

22 CITY OF SAN JOSE, et al.,

23 Defendants.

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 25 The parties, by and through their attorneys of record, Michael Groves for Defendants
 26 and Christine Peek for Plaintiffs, hereby stipulate as follows:

27 The underlying case of *Barrera, et al., v. City of San Jose, et al.*, was resolved on
 28 June 23, 2010 when the Honorable Ronald M. Whyte issued a Judgment which resulted from

1 the Plaintiffs' acceptance of Defendants' Rule 68 Offer of Judgment. Part of the Judgment
2 included reasonable attorneys' fees for Plaintiffs' counsel.

3 Plaintiffs filed their Motion for Attorneys' Fees before this Court on July 7, 2010 with a
4 hearing date of August 13, 2010. That hearing date was later changed by Plaintiffs to
5 September 3, 2010 in order to provide time to facilitate settlement discussions.

6 Defendants filed their Opposition to the Attorneys' Fees Motion on August 13, 2010.
7 Shortly thereafter Plaintiffs' attorney informed Defendants' attorney that parts of the
8 Opposition Points and Authorities and Declarations contained language and exhibits which
9 Plaintiffs' attorney believed were violative of Plaintiffs' right to privacy and an earlier Finding
10 of Factual Innocence which Plaintiffs had each received through Plaintiffs' counsel's efforts.

11 In light of this, Defendants' attorney Michael R. Groves immediately contacted the
12 Court and, through the kind and effective assistance of Thomas Rossmeissl, one of Judge
13 Whyte's Law Clerks, the Declarations of Michael R. Groves and Leslie Maglione, along with
14 documents attached to the Declarations (Docket #: 139 and 140) were locked pending a
15 stipulation of the parties to withdraw the documents.

16 While this was occurring, the parties settled the fee dispute and informed the Court of
17 the same. Given that the fee dispute has resolved and in light of the issues related above,
18 the parties seek to withdraw all documents relating to the Motion and Opposition from the
19 Docket Sheet, including the initial Motion for Attorneys' Fees with all of its attachments,
20 declarations, etc., and all of the Defendants' Opposition, including all declarations and
21 attachments. The docket numbers of all of the relevant documents, filings, the parties seek
22 to withdraw are as follows:

<u>Docket #:</u>	<u>Name of Document:</u>	<u>Date Filed:</u>
126	Motion for Attorneys' Fees & Costs	July 7, 2010
127	Declaration of James McManis	July 7, 2010
128	Declaration of Neda Mansoorian	July 7, 2010
129	Declaration of Christine Peek	July 7, 2010
130	Declaration of John L. Cooper, Esq.	July 7, 2010

1	131	Declaration of Robert A. Goodin, Esq.	July 7, 2010
2	132	Declaration of Frank M. Pitre, Esq.	July 7, 2010
3	133	Declaration of James M. Wagstaffe, Esq.	July 7, 2010
4	134	[Proposed] Order	July 7, 2010
5	136	Notice of Continuance of Hearing on Plaintiffs' Motion for Attorneys' Fees & Costs	July 13, 2010
6	138	Opposition to Motion for Attorneys' Fees & Costs	August 13, 2010
7	139	Declaration of Michael R. Groves	August 13, 2010
8	140	Declaration of Leslie Maglione	August 13, 2010
9	141	Declaration of Timothy J. Schmal	August 13, 2010

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The parties therefore seek an order withdrawing/deleting all of the above mentioned documents from the Docket Sheet.

Dated: August 30, 2010

McMANIS FAULKNER

By: /s/ Christine Peek
CHRISTINE PEEK, ESQ.

Attorneys for Plaintiffs,
BERNARDINO BARRERA, DOLORES
BARRERA, MARIA BARRERA, JOSE
BARRERA, A.B., a minor child, by and
through her Guardian ad Litem, DOLORES
BARRERA

Dated: August 30, 2010

RICHARD DOYLE, City Attorney

By: /s/ Michael R. Groves
MICHAEL R. GROVES
Sr. Deputy City Attorney

Attorneys for All Named Defendants

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ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatories, Michael Groves and Christine Peek, has been obtained, and that a record of the concurrence shall be maintained at the Office of the City Attorney.

Dated: August 30, 2010

By: /s/ Michael R. Groves
MICHAEL R. GROVES

IT IS SO ORDERED.

Dated: 9/2/10


HON. RONALD M. WHYTE
United States District Court Judge