

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

)	Case No.: 11-CV-03999-LHK
)	
JOSEPHINE SMITH, an individual, et al.,)	
)	ORDER CLARIFYING THIS COURT'S
Plaintiffs,)	ORDER DENYING PLAINTIFFS'
)	MOTION TO ENFORCE SETTLEMENT
v.)	(ECF No. 187)
)	
CITY OF SANTA CLARA, a public entity, et al.))	
)	
Defendants.)	
)	

The Court previously denied Plaintiffs' motion to enforce the settlement and Plaintiffs' motion to hear the motion to enforce settlement on shortened time. ECF No. 187 ("Order"). On November 4, 2013, Plaintiffs sought clarification of the Order. ECF No. 195 ("Mot. for Clarification"). Plaintiffs asked whether the Order's denial of Plaintiffs' motion to enforce the settlement applies not just to the City of Santa Clara and the Santa Clara Police Department, but also to the individual defendants (Kenneth Henderson, Greg Hill, Clay Rojas). *Id.* at 1, 3.

The Order applies to *all* defendants, including the individual defendants. At the settlement conference in this case, *see* ECF No. 177 ("Settlement Conference Transcript"), it was clear to all parties that the settlement agreement reached between the parties and entered onto the record was subject to the approval of the settlement agreement by the Santa Clara City Council. *See* ECF No. 187 at 1-2. This included the individual defendants, who entered the settlement agreement subject

1 to the City Council's approval. *See* Settlement Conference Transcript at 8-9 (Defendants
2 Henderson and Hill stating that they enter the settlement agreement conditioned on the approval of
3 the City Council, and Defendant Rojas's lawyer agreeing to the settlement agreement for Rojas
4 subject to the City Council's approval). Thus, the Order denying Plaintiffs' motion to enforce the
5 settlement applies to Plaintiffs' claims against the individual defendants as well.
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7 **IT IS SO ORDERED.**

8 Dated: November 4, 2013

9 
10 LUCY H. KOH
11 United States District Judge