

1 STEVEN D. WERTH, State Bar No. 121153  
 swerth@aghlaw.com  
 2 ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP  
 180 Montgomery Street, Suite 1200  
 3 San Francisco, CA 94104  
 Telephone: (415) 697-2000  
 4 Facsimile: (415) 813-2045

5 Attorneys for Defendant  
 UNITY CARE GROUP, INC.

6  
 7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 ERICK VARGAS,  
 12 Plaintiff,  
 13 v.  
 14 UNITY CARE GROUP, INC., business  
 entity form unknown, COUNTY OF  
 15 SANTA CLARA, a public entity,  
 PATRICK DAUPHIN, individually, and  
 16 DOES 1 THROUGH 10, INCLUSIVE  
 17 Defendants.

Case No. 5:16-cv-06767-EJD

**RULE 41 STIPULATED DISMISSAL OF  
SUBSTANTIVE DUE PROCESS UNDER 42  
U.S.C. §1983 (FIRST CAUSE OF ACTION) AS  
TO UNITY CARE GROUP, INC. ONLY**

Hon. Edward J. Davila

18  
 19 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Erick Vargas and Defendant  
 20 Unity Care Group, Inc., by and through their respective counsel of record, hereby stipulate that  
 21 the First Cause of Action to the Complaint — Substantive Due Process under 42 U.S.C. §1983 —  
 22 is dismissed with prejudice as to Unity Care Group, Inc. ONLY.

23 Erick Vargas and Unity Care Group, Inc. to bear their own fees and costs with respect to  
 24 the First Cause of Action.

25 ///

26 ///

27 ///

28

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP  
 180 Montgomery Street, Suite 1200  
 San Francisco, California 94104

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The First Cause of Action still survives against defendants PATRICK DAUPHIN,  
COUNTY OF SANTA CLARA and DOES 1 THROUGH 10.

Dated: July 28, 2017

CASILLAS & ASSOCIATES

By: /s/ Arnold Casillas  
ARNOLD CASILLAS  
Attorneys for Plaintiff  
ERIK VARGAS


Dated: July 28, 2017

ALLEN, GLAESSNER,  
HAZELWOOD & WERTH, LLP

By: /s/ Steven D. Werth  
STEVEN D. WERTH  
Attorneys for Defendant  
UNITY CARE GROUP, INC.

**IT IS SO ORDERED.**

DATED: July 31, 2017

  
HON. EDWARD J. DAVILA  
U. S. DISTRICT JUDGE