

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN CLEMENTE, an individual, BRIAN DAILEY,  
an individual, JOHN WERKSMA, an individual,  
DENNIS STOL, an individual, KAREN STOL, an individual,  
CHARLES TAYLOR, II, an individual,  
GLENN RAY, an individual, BRIAN DePALMA, an individual,

No. 2:09 cv-13854  
Hon. Robert H. Cleland

Plaintiffs,

-v-

FRANK VASLO, in his official and individual capacity,  
STEVE DUCHANE, in his official and individual capacity,  
ROBERT BARTOK, in his official and individual capacity,  
CITY OF LINCOLN PARK, a Michigan municipal corporation,

Defendants.

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**ORDER DISMISSING AFFIRMATIVE DEFENSES  
NUMBERS 5 AND 11 AS SET FORTH BY THE  
DEFENDANTS, FRANK VASLO, in his official and individual capacity,  
STEVE DUCHANE, in his official and individual capacity,  
ROBERT BARTOK, in his official and individual capacity  
IN RESPONSIVE PLEADINGS FILED NOVEMBER 6, 2009**

At a session of said Court, held in  
the Theodore Levin Courthouse,  
City of Detroit, State of Michigan  
on 12/11/2009  
Present: Hon. ROBERT H. CLELAND  
U.S. District Court Judge

This matter having been raised by stipulation of the parties and the Court being otherwise fully informed in the premises:

Wherefore,

IT IS HEREBY ORDERED that Defendants', FRANK VASLO, in his official and individual capacity, STEVE DUCHANE, in his official and individual capacity, and ROBERT BARTOK, in his official and individual capacity, Affirmative Defense Nos. 5 and 11 as filed on November 6, 2009, be and the same are hereby stricken and dismissed.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 11, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

I stipulate to entry of the above Order:

/s/ Joel B. Sklar (with permission 12/07/09)  
JOEL B. SKLAR (P38338)  
Attorney for Plaintiff

/s/ Audrey J. Forbush (with permission 12/08/09)  
AUDREY J. FORBUSH (P41744)  
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/s/ Roger A. Smith  
ROGER A. SMITH (P27722)  
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Dated: December 8, 2009