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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 CHRISTOPHER GARDNER, individually, and
 as heir, and Special Administrator for THE
 11 ESTATE OF ELLEN FINNIE GALLUCCI,

12 Plaintiffs,

13 vs.

14 CITY OF LAS VEGAS, a corporate City of the
 State of Nevada; LAS VEGAS
 15 METROPOLITAN POLICE DEPARTMENT,
 political subdivision of the State of Nevada;
 16 SHERIFF JOSEPH LOMBARDO,

17 Defendants.

CASE NO.: 2:16-cv-01384-GMN-CWH

**[PROPOSED] STIPULATION AND
 ORDER FOR DISMISSAL WITHOUT
 PREJUDICE**

18 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff Christopher
 19 Gardner, individually, and as heir and special administrator for the estate of Ellen Finnie
 20 Gallucci, by and through his attorney Amy M. Wilson, Esq., of the The Law Offices of Kevin R.
 21 Hansen, and defendant City of Las Vegas, by and through its attorneys, Bradford R. Jerbic, City
 22 Attorney, by Elias P. George, Deputy City Attorney, and representing that no trial has been set,
 23 hereby stipulate to dismissal without prejudice defendant City of Las Vegas from the instant suit.

24 On September 20, 2016 plaintiff filed suit in the above-captioned matter asserting various
 25 42 U.S.C. § 1983 claims and accompanying state-law tort claims. [ECF No. 7]. The complaint
 26 asserts allegations against defendants' City of Las Vegas, Las Vegas Metropolitan Police
 27 Department ("Metro"), and Sheriff Joseph Lombardo ("Sheriff") for events relating solely to the
 28

1 actions (or inactions) of defendants Metro and Sheriff. [ECF No. 7]. Under governing law,
2 however, the City of Las Vegas is not responsible for the actions of Metro or its employees,
3 including the Sheriff, for Metro is an independent governmental entity formed under NRS
4 280.010, *et seq.* Pursuant to this statutory authority, Clark County and the City merged their
5 police agencies into a single entity, NRS 280.110, which merger consolidated the law
6 enforcement powers of the City and County into a wholly separate and distinct entity, Metro,
7 NRS 280.120, for which the Sheriff is its chief law enforcement officer. NRS 280.121.

8 IT IS HEREBY STIPULATED AND AGREED that defendant City of Las Vegas,
9 including plaintiff's allegations lodged against the city, is hereby dismissed without prejudice
10 from the instant action, with each party to bear their own attorney's fees and costs.

11
12 DATED: October 19, 2016

DATED: October 19, 2016

13 /s/ Elias P. George

/s/ Amy M. Wilson

14 _____
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19 **ORDER**

20
21 **IT IS SO ORDERED.**

22
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24 
25 _____
UNITED STATES DISTRICT COURT JUDGE

26 DATED this 1 day of October, 2016.