

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TERYSA M. WELCH,

Plaintiff,

v.

No. 1:11-cv-00700 KG-SCY

CITY OF ALBUQUERQUE,

*a New Mexico Municipality, et al.,*


Defendants.

**STIPULATED ORDER DISMISSING COUNT IV AGAINST DAVID HUBBARD WITH  
PREJUDICE**

THIS MATTER came before the Court on the Joint Motion for a stipulated order dismissing Count IV in Plaintiff's Second Amended Complaint For Deprivation of Civil Rights Pursuant Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sections 1983 and 1985, the New Mexico Human Rights Act, the New Mexico Peace Officer's Employer-Employee Relations Act and for Injunctive Relief [Doc. 88] (the "Complaint") against David Hubbard with prejudice. As grounds, the parties agree that the only remaining claim against David Hubbard is stated in Count IV of the Complaint. Based on this Court's ruling in its Memorandum Opinion and Order [Doc. 267], this Count cannot be asserted against this Defendant because there was a mistake of fact. There is no just reason for delay in entry of an order dismissing David Hubbard as a party in this action. The parties further agree that each party shall bear their own costs and fees associated with the dismissal of this Count against this Defendant. This does not apply to any verdict obtained on Count I, the Title VII claim against the City.

The Court having reviewed the Motion, and being otherwise fully advised in the premises, FINDS that the Motion is well taken and Count IV of the Complaint should be dismissed with prejudice against David Hubbard, with each party bearing their own costs and fees associated with the dismissal of this Count against David Hubbard.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complaint is dismissed with prejudice against David Hubbard and that each party shall bear their own costs and fees associated with the dismissal of the Complaint against him.



UNITED STATES DISTRICT JUDGE

Submitted by:

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A Professional Corporation

By /s/ Patricia G. Williams  
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AND

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By /s/ Ryan J. Villa (approved via email 4-18-2018)

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