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FILED
CLERK, U.S. DISTRICT COURT
MAY 2 2007
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

9 Attorneys for COUNTY OF VENTURA, ROBERT
10 BROOKS, ROBERT ORTIZ (erroneously sued as
11 Ventura Police Officer Robert Ortiez),
12 and KAREN HANSON (erroneously sued as
13 Deputy K. Hanson)

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 NOELLE WAY,)
17)
18 Plaintiff,)
19)
20)
21)
22)
23)
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25)
26)
27)
28)
COUNTY OF VENTURA; ROBERT)
BROOKS, individually and as)
Sheriff for the County of)
Ventura; VENTURA POLICE)
OFFICER ROBERT ORTIEZ; DEPUTY)
KAREN HANSON; and DOES 1 through)
9, inclusive,)
Defendants.)

No. CV 01-05401 CBM (Ex)
[PROPOSED] STIPULATED ORDER
OF PREJUDICIAL DISMISSAL OF
ALL DEFENDANTS

Priority _____
Send N
Enter N
Closed N
JS-5/JS-6 _____
JS-2/JS-3 _____
Scan Only _____

29 IT IS HEREBY STIPULATED by and between the parties, plaintiff,
30 Noelle Way, and defendants, County of Ventura, Robert Brooks,
31 Robert Ortiz (incorrectly sued and served as Robert Ortiez), and
32 Karen Hanson (incorrectly sued and served as K. Hanson), as
33 evidenced by the signatures of their attorneys below, as follows:

34 1. This stipulation is entered into in accordance with
35 Federal Rule of Civil Procedure 41(a)(1)(ii).

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1 2. All defendants are hereby dismissed with prejudice to
2 refile in this or any other federal court and with prejudice to
3 any refile in any state court.

4 3. All individual defendants, Brooks, Hanson, and Ortiz, are
5 dismissed with prejudice to refile in this or any other federal
6 court or in any state court in all of their potential capacities,
7 personal, individual, and official, and regardless of whether their
8 names were misspelled in the caption of the complaint.

9 4. All fictitious defendants associated with any entity
10 defendant or individual defendant is also fully and finally dis-
11 missed with prejudice from this lawsuit or any other lawsuit filed
12 in any other federal court or in any state court.

13 5. The consideration for the dismissal of the defendants is
14 the agreement reached at the conclusion of the three-day mediation
15 held at the Los Angeles JAMS office on March 14, 15, and 29, 2007.

16 6. Both sides, plaintiff and defendant, and their counsel,
17 fully reserve all rights, arguments, and legal positions in the
18 companion *Gamino* class action. No one is waiving any rights to
19 take legal positions or make legal arguments in any aspect of the
20 companion class action case as a result of entry into the full and
21 final resolution of all aspects of this individual litigation.

22 7. Plaintiff agrees that she is not part of and will not
23 join as a party in the companion class lawsuit, *Gamino v. County of*
24 *Ventura, et al.*


25 8. Plaintiff fully and finally waives any and all past,
26 present, and future damages; past, present, and future equitable
27 and declaratory relief; and past, present, and future rights of
28 discovery; and plaintiff fully and finally waives any and all past,

1 present, and future attorneys' fees, whether of record or not, and
2 additionally fully and finally waives all past, present, and future
3 costs, ordinary and extraordinary, incurred or paid.

4 9. As a result of the full and final resolution of all
5 aspects of this litigation, the parties agree that all pending and
6 future litigation events and deadlines, including the pretrial
7 conference and trial, are unnecessary and should be vacated by the
8 Court.

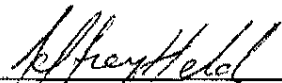
9 **IT-IS SO STIPULATED.**

10
11 Dated: April 16, 2007



EARNEST C.S. BELL
Attorney for Plaintiff

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13
14 Dated: April 7, 2007



JEFFREY HELD
Law Offices of Alan E. Wisotsky
Attorneys for Defendants

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19 **ORDER**

20 Good cause appearing therefor, based upon the stipulation of
21 the parties contained above, the Court does hereby order the
22 stipulation adopted and further orders that:

23 1. The defendants, County of Ventura, Robert Brooks, Robert
24 Ortiz, and Karen Hanson, in every capacity, are dismissed with
25 prejudice from this litigation and any other lawsuit in any other
26 federal or, any state court;

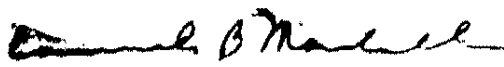
27 2. Both sides retain the right to make whatever arguments
28 they believe necessary in the companion class action, *Gamino*;

1 3. The plaintiff, in exchange for consideration recited in
2 the agreement terminating the JAMS mediation on March 29, 2007,
3 waives all past, present, and future damages; equitable and
4 declaratory relief; discovery rights; and joinder as a party
5 plaintiff or claimant in the companion class action, *Gamino*; and
6 further waives all past, present, and future attorneys' fees,
7 whether of record or not, plus a full and final waiver of all past,
8 present, and future ordinary and extraordinary costs.

9 **IT IS SO ORDERED.**

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Dated: MAY - 2 2007



CONSUELO B. MARSHALL, ~~Chief~~ Judge
United States District Court

1 STATE OF CALIFORNIA, COUNTY OF VENTURA:

2 I am employed in the County of Ventura, State of California.
3 I am over the age of 18 and not a party to the within action; my
4 business address is 300 Esplanade Drive, Suite 1500, Oxnard,
5 California 93036.

6 On April 24, 2007, I served the foregoing document described
7 as **[PROPOSED] STIPULATED ORDER OF PREJUDICIAL DISMISSAL OF ALL**
8 **DEFENDANTS** on all interested parties in this action by placing a
9 true copy thereof enclosed in sealed envelopes addressed as
10 follows:

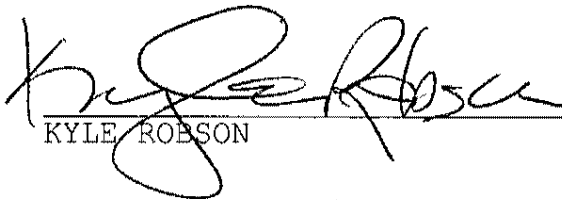
11 Earnest C.S. Bell
12 Attorney at Law
13 3897 Market Street
14 Ventura, CA 93003

15 I caused such envelope(s) with postage thereon fully prepaid
16 to be placed in the United States mail at Oxnard, California.

17 I am "readily familiar" with this firm's practice of collect-
18 ing and processing correspondence for mailing. It is deposited
19 with the U.S. Postal Service on that same day in the ordinary
20 course of business. I am aware that on motion of party served,
21 service is presumed invalid if the postal cancellation date or
22 postage meter date is more than one day after date of deposit for
23 mailing in the affidavit.

24 Executed on April 24, 2007, at Oxnard, California.

25 I declare that I am employed in the office of a member of the
26 bar of this court at whose direction the service was made.

27
28

KYLE ROBSON