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10 Attorneys for Defendants
COUNTY OF ORANGE and SHERIFF MICHAEL S. CARONA

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14

15 FRED PIERCE, TIMOTHY LEE)
CONN, MAX SANDERS, FERMIN)
16 VALENZUELA, LAURIE D.)
ELLERSTON, STEVEN GRAHAM,)
17 JEFF MORGAN, Individually,)
and as a Class)
18 Representative, and all those)
similarly situated,)

19)
20 Plaintiffs,)

21 vs.)

22)
23 COUNTY OF ORANGE, a)
Governmental Entity; MICHAEL)
S. CARONA, Individually; and)
24 DOES 1 through 200,)
Inclusive,)
25)

26 Defendants.)

Case No. SACV 01-981 GLT(MLGx)

~~PROPOSED~~ JUDGMENT AS TO
DEFENDANT CARONA

Date:
Time:
Courtroom:
Discovery Cut-Off: 8/5/04
Pre-Trial Conference: 11/5/04
Trial Date: 11/30/04

27 DOCKETED ON CM
MAY 27 2004
BY *[Signature]* 039

28 LODGED
MAY 21 2004 3:41
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY *[Signature]* DEPUTY

[PROPOSED] JUDGMENT

FILED
MAY 26 2004
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY *[Signature]* DEPUTY

Send

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1 This action came on regularly for hearing before the Court,
2 the Honorable Gary L. Taylor, District Court Judge presiding, on
3 a Motion for Summary Judgment, or alternatively Summary
4 Adjudication, of Defendant Sheriff Michael S. Carona against
5 Plaintiffs Fred Pierce, Timothy Lee Conn, Fermin Valenzuela and
6 Laurie Ellerston (collectively, "Plaintiffs"). The evidence
7 presented having been duly considered, the issues having been
8 duly heard and decision having been duly rendered,
9

10 IT IS ORDERED AND ADJUDGED AS FOLLOWS:
11

12 1) Pursuant to Federal Rules of Civil Procedure, Rule
13 54(b), there being no just reason for delay of entry of
14 judgment in favor of Sheriff Carona since the claims against
15 him are sufficiently distinct and severable from those
16 against the remaining defendants in this action and that
17 said judgment in favor of Sheriff Carona should be entered
18 forthwith; and
19

20 2) Plaintiffs shall take nothing against Sheriff Carona
21 and that the entire action against him shall be dismissed on
22 the merits.
23

24 Dated: May 25, 2004


25 Gary E. Taylor
26 United States District Court Judge
27
28

1 Respectfully submitted,

2 FRANSCELL, STRICKLAND,
3 ROBERTS & LAWRENCE

4

5

By 

6

DAVID B. LAWRENCE

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CHRISTINA M. SPRENGER

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JASON ROBERTS

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Attorneys for Defendants

County of Orange and

Michael S. Carona

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Dodie W. Terpening, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a Party to the within action; my business address is 500 North State College Blvd., Suite 1350, Orange, California 92868.

On May 21, 2004, I served the on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

SEE ATTACHED LIST

X BY MAIL

_____ I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with postage thereon fully prepaid.

X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Orange, California in the ordinary course of business. I am aware that on motion of the Party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 21, 2004, at Orange, California.

Dodie W. Terpening

Signature of Declarant

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Pierce v. County of Orange

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