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7 Attorneys for Plaintiffs

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 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

| | | | |
|----|------------------------------------|---|---|
| 12 | ESPANOLA JACKSON, PAUL COLVIN, |) | CASE NO. CV-09-2143-RS |
| 13 | THOMAS BOYER, LARRY BARSETTI, |) | |
| 14 | DAVID GOLDEN, NOEMI MARGARET |) | STIPULATION AND ORDER RE: |
| 15 | ROBINSON, NATIONAL RIFLE |) | DISMISSAL OF PLAINTIFFS' FIFTH |
| 16 | ASSOCIATION OF AMERICA, INC. SAN |) | CLAIM FOR RELIEF |
| 17 | FRANCISCO VETERAN POLICE |) | |
| 18 | OFFICERS ASSOCIATION, |) | VALIDITY OF SFPC §§ 4512, 1290, and |
| 19 | |) | 613.10(g) Violation of the Right Self-Defense |
| 20 | |) | Under State Law |
| 21 | Plaintiffs, |) | |
| 22 | |) | |
| 23 | vs. |) | |
| 24 | |) | |
| 25 | CITY AND COUNTY OF SAN |) | |
| 26 | FRANCISCO, MAYOR GAVIN |) | |
| 27 | NEWSOM, IN HIS OFFICIAL CAPACITY; |) | |
| 28 | POLICE CHIEF GEORGE GASCON, in his |) | |
| | official capacity, and Does 1-10, |) | |
| | |) | |
| | Defendants. |) | |

23 Pursuant to Federal Rules of Civil Procedure Rule 41(a)(1) and Northern District Local
 24 Rule 7-12, the parties to this action, through their respective attorneys of record, do hereby
 25 stipulate and agree as follows:

26 WHEREAS, Plaintiffs filed their amended complaint on August 24, 2009.

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1 WHEREAS, Plaintiffs have decided to forego pursuing their fifth claim for relief,
2 challenging the validity of San Francisco Police Code sections 4512, 1290, and 613.10(g) as a
3 violation of the right to self-defense under Article 1 of the California Constitution and California
4 Penal Code section 12026, in light of the United States Supreme Court’s recent decision in
5 *McDonald v. Chicago*, 130 S. Ct. 3020 (2010).

6 IT IS HEREBY STIPULATED by and between the parties to this action through their
7 counsel that the following claim in the above-titled action be dismissed without prejudice:

8 **FIFTH CLAIM FOR RELIEF:**
9 **VALIDITY OF SFPC §§ 4512, 1290, and 613.10(g)**
10 **Violation of the Right Self-Defense Under State Law**
(Cal. Const., art. 1 § 1, Cal. Penal Code § 12026)

11 Although this claim shall be dismissed without prejudice, the parties stipulate that
12 Plaintiffs shall and hereby do waive their rights to pursue this claim, or any other state law claims,
13 during the course of this litigation.

14 The parties further stipulate that Plaintiffs shall and hereby do waive any claim for fees
15 and/or costs under section 1021.5 of the California Code of Civil Procedure.

16 Date: November 8, 2010 MICHEL & ASSOCIATES, PC
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18 _____
19 /S/
20 C. D. Michel
Attorney for Plaintiffs ESPANOLA JACKSON, et al.

21 Date: November 8, 2010 DENNIS J. HERRERA
22 City Attorney
23 WAYNE SNODGRASS
SHERRI SOKELAND KAISER
Deputy City Attorneys
24
25 _____
26 /S/
27 Sherri Sokeland Kaiser
Attorneys for Defendants CITY AND COUNTY OF
28 SAN FRANCISCO, MAYOR GAVIN NEWSOM, and
POLICE CHIEF GEORGE GASCON

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 Date: 12/29/10



4 The Honorable Richard Seeborg
United States District Court Judge

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