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7 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, VICTORIA HARRISON, KAREN
8 ALBERTS, WILLIAM KASISKE, WADE
MACADAM, TIMOTHY J. ZUNIGA, BRUCE
9 BAUER

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 LONG HAUL, INC., and EAST BAY
PRISONER SUPPORT,

14 Plaintiff,

15 v.

16 REGENTS OF THE UNIVERSITY OF
17 CALIFORNIA, VICTORIA HARRISON;
KAREN ALBERTS; WILLIAM
18 KASISKE; WADE MACADAM;
TIMOTHY J. ZUNIGA; BRUCE
19 BAUER, et al.,

20 Defendants.

Case No. 3:09-cv-0168 JSW

**STIPULATION AND [PROPOSED]
ORDER RE: DISMISSAL OF DETECTIVE
BRUCE BAUER**

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23 **RECITALS**

24 A. Plaintiffs Long Haul, Inc. ("Long Haul") and East Bay Prisoner Support
25 have brought the above-captioned action alleging various claims arising out of, inter alia,
26 the execution of a search warrant at the Long Haul premises on August 27, 2008.

27 B. Plaintiffs' initial Complaint and First Amended Complaint have each named
28 Detective Bruce Bauer as an individual defendant based on plaintiffs' understanding and

1 belief that Detective Bauer participated in the execution of the above-referenced search
2 warrant.

3 C. Counsel for plaintiffs and for Detective Bauer have met and conferred
4 regarding plaintiffs' claims against Detective Bauer. Defense counsel represented that
5 Detective Bauer did not, in fact, participate in the execution of the subject search
6 warrant, and agreed to furnish a declaration from Detective Bauer addressing the
7 relevant facts. A true and correct copy of that declaration is attached to this stipulation
8 as Exhibit A.

9 D. Based on the facts as stated in Detective Bauer's declaration, plaintiffs
10 have agreed to dismiss all claims asserted against Detective Bauer set forth in the First
11 Amended Complaint, without prejudice. Plaintiffs reserve the right to re-assert their
12 claims, if and only if they conclude that the factual basis for their dismissal, as set forth in
13 Exhibit A, is inaccurate.

14 **STIPULATION**

15 The parties, through their attorneys of record, hereby stipulate as follows:

16 1. Plaintiffs hereby dismiss all claims asserted against Detective Bauer in the
17 First Amended Complaint, without prejudice. Each party shall bear their own respective
18 fees and costs.

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1 2. Plaintiffs reserve the right to re-assert their claims, if and only if they
2 conclude that the factual basis for their dismissal, as set forth in Exhibit A to this
3 Stipulation, is inaccurate.

4 Dated: June 11, 2009

5 /s/ William J. Carroll

/s/ Jennifer S. Granick

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11
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14 KAREN ALBERTS, WILLIAM KASISKE,
WADE MACADAM, TIMOTHY J. ZUNIGA,
BRUCE BAUER

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16 **GENERAL ORDER NO. 45(X) CERTIFICATION**

17 I attest that I have obtained the concurrence of Jennifer S. Granick in the filing of
18 this document.

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20 /s/ William J. Carroll
William J. Carroll

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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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24 Dated: _____

25 Hon. Jeffrey S. White
26 United States District Judge

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