

1 JAMES F. WILSON, Senior Deputy City Attorney, SB #107289
SUSANA ALCALA WOOD, City Attorney, SB#156366
2 City of Modesto
1010 10th Street, Suite 6300
3 P.O. Box 642
Modesto, California 95353
4 Telephone: (209) 577-5284
5 Facsimile: (209) 544-8260

6 Attorneys for Defendants City of Modesto,
Modesto Police Department, Mark Ulrich,
7 Bradley Beavers, Brian Kleiber, Randy
Raduechel and Tim Helton, municipal employees
8

9 **Alonzo J. Gradford (SB# 244201)**
LAW OFFICE OF ALONZO J. GRADFORD
10 1202 "H" St., Suite C
Modesto, California 95354
11 Ofc. Phone: (209) 408-0342
Facsimile: (209) 408-0797
12

13 **Sanjay S. Schmidt (SB# 247475)**
LAW OFFICE OF SANJAY S. SCHMIDT
14 1686 Second St., Suite 219
Livermore, California 94550
Ofc. Phone: (925) 215-7733
15 Facsimile: (925) 455-2486
Attorneys for Plaintiff
16

17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF CALIFORNIA - FRESNO

19 **ARMANDO OLVERA,**)
)
20 Plaintiff,)
)
21 v.)
)
22 **CITY OF MODESTO, MODESTO**)
POLICE DEPARTMENT, MODESTO)
23 **POLICE OFFICERS MARK ULRICH**)
(#10170), BRADLEY BEAVERS (#11196),)
24 **BRIAN KLEIBER (#103550, RANDY**)
RADUECHEL (#11267) AND SGT. TIM)
25 **HELTON (#10295), DOES 1 through 30,**)
)
26 Defendants.)
)
27 _____)
)
28

No. 1:11-CV-00540-AWI-GSA

**STIPULATION AND ORDER FOR
DISMISSAL OF ALL CLAIMS AGAINST
DEFENDANTS BRADLEY BEAVERS,
BRIAN KLEIBER, RANDY RADUECHEL
AND TIMOTHY HELTON AND CERTAIN
CLAIMS AGAINST DEFENDANTS CITY
OF MODESTO, MODESTO POLICE
DEPARTMENT AND MARK ULRICH**

ORDER

IT IS HEREBY ORDERED that, pursuant to the stipulation of the parties which is recited above, certain claims brought by the plaintiff Armando Olvera in the within action shall be, and hereby are **DISMISSED** as follows:

1. All claims brought by plaintiff Armando Olvera against defendants Bradley Beavers, Brian Kleiber, Randy Raduechel and Sgt. Timothy Helton are **DISMISSED WITH PREJUDICE**;

2. Plaintiff's second cause of action raising a Title 42 U.S.C. section 1983 claim against the defendant City of Modesto is **DISMISSED WITH PREJUDICE**;

3. Plaintiff's tenth cause of action under California Civil Code section 52.1 is **DISMISSED WITHOUT PREJUDICE** to its renewal and further litigation in this action if the current case law requiring an act or threat of violence separate from the constitutional violation claimed is changed so as to remove that requirement prior to the completion of the trial in this action.

4. Plaintiff's sixth cause of action claiming "assault by means of force likely to produce great bodily injury" is **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that, pursuant to that same stipulation, as to each and every cause of action so dismissed pursuant to this stipulation and order, each party shall bear his, her or its own costs of litigation, including attorney's fees.

IT IS SO ORDERED.

Dated: January 24, 2013



SENIOR DISTRICT JUDGE