

44

EXHIBIT C
CASE NO.: CV-09-2143-RS

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

17
18 _____
/S/

19 C. D. Michel
20 Attorney for Plaintiffs ESPANOLA JACKSON, et al.

21 Date: November 8, 2010

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
SHERRI SOKELAND KAISER
Deputy City Attorneys

22
23
24 _____
/S/

25 Sherri Sokeland Kaiser
26 Attorneys for Defendants CITY AND COUNTY OF
27 SAN FRANCISCO, MAYOR GAVIN NEWSOM, and
28 POLICE CHIEF GEORGE GASCON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

The Honorable Richard Seeborg
United States District Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO.: CV-09-2143-RS**
THOMAS BOYER, LARRY BARSETTI,)
DAVID GOLDEN, NOEMI MARGARET)
ROBINSON, NATIONAL RIFLE) **CERTIFICATE OF SERVICE**
ASSOCIATION OF AMERICA, INC. SAN)
FRANCISCO VETERAN POLICE)
OFFICERS ASSOCIATION,)

Plaintiffs

vs.

CITY AND COUNTY OF SAN)
FRANCISCO, MAYOR GAVIN)
NEWSOM, IN HIS OFFICIAL CAPACITY;)
POLICE CHIEF HEATHER FONG, in her)
official capacity, and Does 1-10,)

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**STIPULATION AND ORDER RE: DISMISSAL
OF PLAINTIFFS' FIFTH CLAIM FOR RELIEF:**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Wayne Snodgrass, Deputy City Attorney
Sherri Kaiser, Deputy City Attorney
City and County of San Francisco
Office of the City Attorney
City Hall 1 Drive Carlton B.
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 8, 2010.

_____/S/_____
C. D. Michel
Attorney for Plaintiffs'