

1 GREGORY M. FOX, STATE BAR NO. 070876
Arlene C. Helfrich, State Bar No. 096461
2 Bertrand, Fox & Elliot
The Waterfront Building - 2749 Hyde Street
3 San Francisco, California 94109
Telephone: (415) 353-0999
4 FAX (415) 353-0990
Attorneys for Defendants CITY OF OAKLAND
5 and POLICE CHIEF RICHARD WORD

6 (List of Additional Counsel Attached)

7

8

UNITED STATES DISTRICT COURT

9

NORTHERN DISTRICT OF CALIFORNIA

10

11 LOCAL 10, INTERNATIONAL LONGSHORE)
AND WAREHOUSE UNION, et al.,)

File No. No. C 03-2962 TEH (JL)

12

Plaintiffs,

Hon. Thelton E. Henderson

13

vs.

14

CITY OF OAKLAND; et al.,)

**STIPULATION AND ~~(PROPOSED)~~ ORDER
DISMISSING THE ENTIRE ACTION ON
BEHALF OF ALL NAMED PLAINTIFFS
AND THEIR COUNSEL OF RECORD,
WITH PREJUDICE**

15

Defendants.)

16

17

18

19

20

21

22

23

24

25

26

27

28

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

JAMES B. CHANIN, SBN 76043
JULIE M. HOUK, SBN 114968
LAW OFFICES OF JAMES B. CHANIN
3050 Shattuck Avenue
Berkeley, California 94705
Telephone: (510) 848-4752
FAX (510) 848-5819

JOHN L. BURRIS, SBN 69888
7677 Oakport Street, Suite 1120
Oakland, CA 94621
Telephone: (510) 839-5200
FAX (510) 839-3882

RACHEL LEDERMAN, SBN 130192
NATIONAL LAWYERS GUILD and
Law Offices of Rachel Lederman and Alexis C. Beach
558 Capp Street
San Francisco, CA 94110
Telephone:(415) 282-9300
FAX (415) 285-5066

ALAN L. SCHLOSSER, SBN 49957
JULIA HARUMI MASS SBN 189649
MARK SCHLOSBERG, SBN 209144
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, 1663 Mission Street, Suite 460
San Francisco, CA 94103
Telephone: (415) 621-2493
FAX (415) 255-8437

**Counsel for Plaintiffs Local 10 Longshore and Warehouse Union et al.
C03-2962 THE (JL)**

John A. Russo Esq. State Bar No. 129729
City Attorney
Randolph W. Hall, Esq. State Bar No. 080142
Chief Asst. City Attorney
Office of the City Attorney
One Frank H. Ogawa Plaza, 6th Floor
Oakland CA 94612
Telephone: (510) 238-3601
FAX (510) 238-6500

Counsel for defendant CITY OF OAKLAND et al

STIPULATION

1
2 IT IS HEREBY STIPULATED by and between the parties, ALL NAMED PLAINTIFFS, BY
3 AND WITH THEIR COUNSEL OF RECORD, and the Defendants CITY OF OAKLAND,
4 RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE
5 KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN,
6 P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P.
7 HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S.
8 JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R.
9 MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J.
10 DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their
11 designated counsel that the above-captioned action entitled Local 10, International Longshore and
12 Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and
13 hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of all named
14 plaintiffs as to all claims including attorneys fees related to the declaratory and injunctive relief
15 causes of action, pursuant to the settlement agreement entered into between the parties.

16 The parties hereto acknowledge that, pursuant to the Stipulation and Order Approving Partial
17 Settlement of Plaintiffs' Claims For Injunctive Relief, signed by the Court on December 24, 2004 and
18 entered on the docket on December 28, 2004, (hereinafter, Injunctive Relief Stipulation and Order)
19 the Court retains jurisdiction of this matter after these claims are dismissed to enforce the terms of the
20 Injunctive Relief Stipulation and Order, to resolve any disputes that may arise between the parties
21 concerning the matters set forth in the Injunctive Relief Stipulation and Order. The parties further
22 acknowledge that pursuant to the Injunctive Relief Stipulation and Order, this Court retains
23 jurisdiction for three (3) years from the date of filing of the Injunctive Relief Stipulation and Order
24 (through December 27, 2007) with the proviso that within that three year time period any party may
25 move the court to extend the time for up to an additional 24 months if there is a material breach of the
26 terms of the Injunctive Relief Stipulation and Order.

26 //
27 //
28 //

1 SO STIPULATED.

2

3 Dated: June 14, 2006

4

_____/s/
JAMES B. CHANIN
Attorney for Plaintiffs in Local 10, et al.
On behalf of himself, all of his co-counsel
and all plaintiffs in the Local 10 action

8

9 Dated: June 15, 2006

_____/s/
GREGORY M. FOX
Attorney for Defendants City of Oakland et al.

10

11

12

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a
"conformed" signature (/s/) within this E-filed document.*

13

14 Dated: July 27, 2006

_____/s/
GREGORY M. FOX

15

16

ORDER

17

18

Having reviewed the stipulation of the parties, and good cause appearing therefore

19

THIS COURT ORDERS THAT the entire action by all named plaintiffs against the above

20

named defendants shall be and hereby is dismissed with prejudice pursuant to the parties' stipulation
and subject to this Court's retention of jurisdiction as outlined above.

21

22

BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

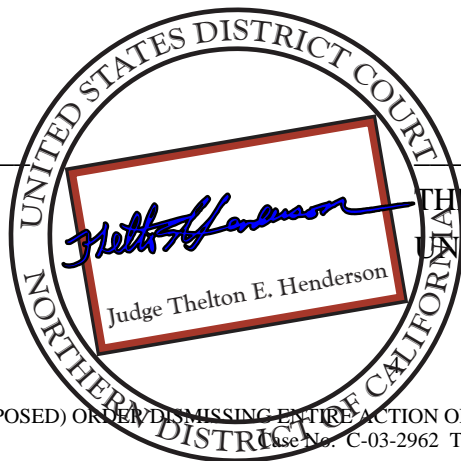
23

24

07/27/06

25

DATE



THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE

27

28