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6 *Attorneys for Plaintiff*

7 **UNITED STATES COURT OF APPEALS**
8 **FOR THE NINTH CIRCUIT**

9 **Jeffrey Michal Pataky**, an individual,
10 Plaintiff,

11 vs.

12 **City of Phoenix**, a political subdivision
of the State of Arizona; **Phillip B.**
13 **Gordon and Jane Doe Gordon**, husband
and wife; **Frank Fairbanks and Jane**
14 **Doe Fairbanks**, husband and wife; **Jack**
Harris and Jane Doe Harris, husband
15 and wife; **Steven Boeck and Jane Doe**
Boeck, husband and wife; **Theron**
16 **Quaas and Jane Doe Quaas**, husband
and wife; **John and Jane Does I-X**;

17 Defendants.
18

NO. 10-15035

D.C. No. CV09-01483-PHX-JAT
District of Arizona, Phoenix

MOTION TO DISMISS

19
20 Plaintiff, by and through counsel undersigned, respectfully requests this Court to
21 dismiss the appeal action filed on or about January 6, 2010, with prejudice, each of the
22 parties to bear their own attorneys' fees and costs.
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RESPECTFULLY SUBMITTED this 3rd day of March, 2010.

LORONA STEINER DUCAR, LTD

By: /s/Jess A. Lorona
Jess A. Lorona
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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2010, I electronically filed the foregoing with the Clerk of Court, using the CM/ECF system, which will send notification of such filing to all parties, and will mail all notifications of such filing to all non-CM/ECF system participants.

/s/Paula Schultz

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17 Defendants.
18

NO. 10-15035

D.C. No. CV09-01483-PHX-JAT
District of Arizona, Phoenix

ORDER OF DISMISSAL

19 Pursuant to the foregoing Motion, and good cause appearing,

20 IT IS, HEREBY ORDERED that the appeal in this action filed on or about
21 January 6, 2010, is dismissed with prejudice, each of the parties to bear their own
22 attorneys' fees and costs.
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DATED this _____ day of March, 2010.

By: _____
Judge