

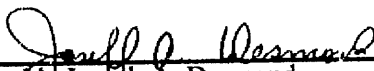


1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

2 1. That Officer Kern have judgment in her favor and that Murphy take nothing from  
3 Officer Kern as a result of this judgment; and

4 2. That Officer Kern shall recover her costs from Murphy, pursuant to Code of Civil  
5 Procedure Sections 1032 and 1033.5 <sup>per motions and gfr</sup> as shall be submitted in Officer Kern's Memorandum of  
6 Costs.

7 Dated: January 11, 2001

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10 The Honorable Joseph A. Desmond  
11 JUDGE OF THE SUPERIOR COURT  
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**PROOF OF SERVICE**

I, MARIA M. CARMODY, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On January 9, 2001, I served the attached:

**PROPOSED ORDER AND JUDGMENT GRANTING NONSUIT AS  
TO DEFENDANT OFFICER MICHELLE A. KERN**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Mary McNamara  
Swanson & McNamara LLP  
433 Turk Street  
San Francisco, CA 94102  
Telephone: (415) 409-6267  
Facsimile: (415) 409-6268

and served the named document in the manner indicated below:

- BY MAIL:** I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelope(s) addressed to the addressee(s), at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, City and County of San Francisco, California, 94102, for collection and mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.
- BY PERSONAL SERVICE:** I caused true and correct copies of the above documents to be placed and sealed in envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).
- BY FACSIMILE:** I caused a copy(ies) of such document(s) to be transmitted via facsimile machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed January 9, 2001, at San Francisco, California.

  
\_\_\_\_\_  
MARIA M. CARMODY

Superior Court of California  
County of San Francisco

Tom Murphy

Plaintiff(s)

vs.

City & County of San Francisco, A  
Municipal Corporation, Fred Lau, in his  
official and individual capacities,  
Officer Michelle A. Kern, in her  
individual capacity and Does 1-50

Defendant(s)

Case Number: 304718

**NOTICE OF ENTRY  
OF ORDER**  
(CCP §664.5), (CCP §668.5)

TO: COUNSEL FOR PLAINTIFF(S) AND DEFENDANT(S):

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an order has been filed in the  
above entitled case pursuant to CCP §668.5.

DATED: January 16, 2001

GORDON PARK-LI, Clerk

By: 

Kevin Lee, Deputy Clerk

**DECLARATION OF SERVICE BY MAIL**

I, Kevin Lee, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I  
am not a party to the within action. On January 16, 2001 I served the above notice by placing a  
copy thereof in a sealed envelope, addressed as follows:

Mary McNamara  
550 Kearny Street, Suite #505  
San Francisco, Calif. 94108

Brian Gearinger  
1390 Market Street, Sixth Floor  
San Francisco, Calif. 94102

I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco,  
CA. 94102 on the date indicated above for collection, attachment of required prepaid postage,  
and mailing on that date following standard court practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2001, at San Francisco, California.

GORDON PARK-LI, Clerk

By: 

Kevin Lee, Deputy Clerk