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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
7 AND BART DEPUTY POLICE CHIEF DAN HARTWIG

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 DAVID MORSE,

12 Plaintiff,

13 vs.  
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15 SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT (BART); and BART  
Deputy Police Chief DAN HARTWIG, sued  
16 in his official and individual capacities,

17 Defendants.  
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Case No. C12-5289 JSC (DMR)

**[PROPOSED] ORDER REGARDING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

**Date: January 27, 2014**

**Time: 9:00 a.m.**

**Courtroom: F, 15th Floor (San Francisco)**

**Judge: Hon. Jacqueline Scott Corley**

**Trial Date: March 31, 2014**

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20 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

21 The motion by SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") and  
22 BART DEPUTY CHIEF DAN HARTWIG (collectively, "Defendants"), for summary judgment or, in  
23 the alternative, summary adjudication, as to the Complaint filed by Plaintiff DAVID MORSE  
24 ("Plaintiffs") came on regularly for hearing on January 27, 2014, at 9:00 a.m., in Courtroom F of the  
25 above entitled Court, located on the 15th floor of 450 Golden Gate Ave. in San Francisco, California.  
26 Low, Ball & Lynch appeared on behalf of Defendants and Siegel & Yee appeared on behalf of Plaintiff.

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1 Having considered the papers in regard to this motion, and after oral argument, the Court hereby  
2 rules as follows:

3 1. Defendants' Rule 56 motion is GRANTED with respect to Plaintiff's first cause of  
4 action alleging state-law false arrest/false imprisonment.

5 2. Defendants' Rule 56 motion is GRANTED with respect to Plaintiff's second cause of  
6 action alleging Fourth Amendment unlawful arrest.

7 3. Defendants' Rule 56 motion is GRANTED with respect to Plaintiff's third cause of  
8 action alleging First Amendment retaliation.

9 4. Rule 56 motion is GRANTED with respect to Plaintiff's claim for punitive damage  
10 under state law.

11 5. Rule 56 motion is GRANTED with respect to Plaintiff's claim for punitive damage  
12 under federal law.

13 In light of the above rulings, the above-listed causes of action are hereby DISMISSED WITH  
14 PREJUDICE.

15 IT IS SO ORDERED.

16 Dated: \_\_\_\_\_

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18 HON. JACQUELINE SCOTT CORLEY  
19 U.S. MAGISTRATE JUDGE  
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