



appointed administratrix of the estate of Pedro Oregon Navarro, deceased, Ana Isabel Lores, as next friend of Ashley Oregon-Lores, and Blanca Lidia Viera, as next friend of Belinda Marili Viera, will continue to prosecute their claims against these Defendants.

II.

Plaintiffs Rogelio Oregon Navarro, Salvador Lopez, and Nelly Mejia seek a dismissal as to their claims in order that any award of damages be apportioned solely for the benefit of Pedro Oregon Navarro's mother and the two children of Pedro Oregon. Plaintiffs seek this dismissal of their claims without prejudice

III.

The Court may grant a motion for voluntary dismissal if the dismissal will not prejudice the Defendants and, in this instance, Defendants City of Houston, D. H. Strouse, D. R. Barrera, P. A. Herrada, D. R. Perkins, L. E. Tillery, and James R. Willis will not be prejudiced by such dismissal. Fed.R.Civ.P. 41(a)(2); *LeCompte v. Mr. Chip, Inc.*, 528 F.2d 601, 604 (5<sup>th</sup> Cir. 1976).

In accordance with Rule 41, Plaintiffs represent that there are no pending counterclaims and Plaintiffs Rogelio Oregon Navarro, Salvador Lopez, and Nelly Mejia have not been granted a dismissal of an action based on or including the same claim or claims as those presented in this suit. Fed.R.Civ.P. 41 (a)(2).

Plaintiffs' counsel has agreed to produce Rogelio Oregon Navarro, Salvador Lopez, and Nelly Mejia for deposition at a time convenient to all parties pursuant to a request from

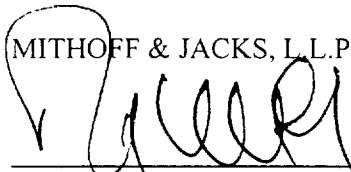
counsel for the Defendant City of Houston and will honor such an agreement even after their claims are dismissed. The deposition of Rogelio Oregon is scheduled for October 19, 1999 and counsel for the Defendants have been provided dates for the other depositions. See Exhibit "A".

WHEREFORE, PREMISES CONSIDERED Plaintiffs Rogelio Oregon Navarro, Salvador Lopez, and Nelly Mejia hereby request that this Honorable Court grant their Motion for Voluntary Dismissal Without Prejudice, and for all relief to which they may be justly entitled.

Respectfully submitted,

FOREMAN, DEGEURIN, NUGENT &  
GERGER

PAUL C. NUGENT  
Federal I.D. No. 15132600  
DAVID B. GERGER  
MIKE DEGEURIN  
909 Fannin, Suite 590  
Houston, Texas 77010  
(713) 655-9000  
(713) 655-1812 (fax)

MITHOFF & JACKS, L.L.P.  


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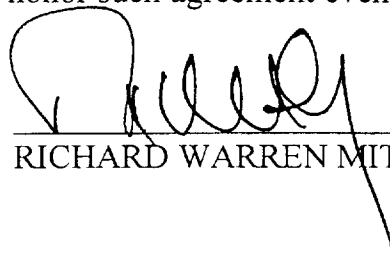
RICHARD WARREN MITHOFF  
Federal I.D. No. 2101  
TOMMY JACKS  
MICHAEL L. PHIFER  
500 Dallas Street, PH 3450  
Houston, Texas 77002  
(713) 654-1122  
(713) 739-8085 (Fax)

HOGAN, DUBOSE & TOWNSEND

RICHARD HOGAN  
Federal I.D. No. 8026  
ROGER TOWNSEND  
JENNIFER HOGAN  
RUSSELL POST  
440 Louisiana, Suite 1400  
Houston, Texas 77002  
(713) 222-8800  
(712) 222-8810 (fax)  
**ATTORNEYS FOR THE PLAINTIFFS**

CERTIFICATE OF CONFERENCE

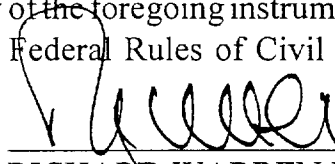
Counsel for all Defendants are unopposed to the granting of such motion except for counsel for the Defendant City of Houston, and such counsel is opposed (*See Exhibit "B"*) even though counsel for Plaintiffs has agreed to produce such witnesses for depositions at any time convenient to all parties and to honor such agreement even after their claims are dismissed. (*See Exhibit "A"*).



\_\_\_\_\_  
RICHARD WARREN MITHOFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on this 13<sup>th</sup> day of Oct, 1999.



\_\_\_\_\_  
RICHARD WARREN MITHOFF

MITHOFF & JACKS

FILED

LAW OFFICES

1999 OCT 13 PM 2:15

ONE ALLEN CENTER

PENTHOUSE

500 DALLAS  
HOUSTON, TEXAS 77002  
U.S. COURTS  
SOUTHERN DISTRICT  
OF TEXAS

TELEPHONE 713-654-1122

FACSIMILE 713-739-8085

RICHARD WARREN MITHOFF, P.C.  
MICHAEL L. PHIFER  
JANIE L. JORDAN

EXECUTIVE DIRECTOR  
JOHN B. FERRATA, JR.

FINANCE DIRECTOR  
ROBERT KNETSCH, C.P.A.

MEDICAL ASSISTANTS  
SUSAN R. GANNON, R.N.  
RHONDA S. SANDEL, R.N.

OF COUNSEL:  
WILLIAM J. STRADLEY

HOUSTON OFFICE

TOMMY JACKS, P.C.  
JAMES L. ("LARRY") WRIGHT  
MARK G. EINFALT  
GREIG W. COATES, M.D., J.D.  
BELINDA M. HOWELL, R.N., J.D.  
DREW WRIGHT  
LAURA RUTH  
FRANCES TOWNSEND

ADMINISTRATIVE ASSISTANTS  
SHURI WRIGHT  
CHRIS RENTZ HALL

MEDICAL ASSISTANT  
DEBBIE SCHUMANN, R.N.

AUSTIN OFFICE

October 13, 1999

Mr. Robert L. Cambrice  
Senior Assistant City Attorney  
City of Houston Legal Department  
P. O. Box 1562  
Houston, Texas 77251

*Via: Facsimile*

RE: In Cause No. H-98-3877; *Claudia Navarro Pineda, Individually and as representative of the Estate of Pedro Oregon Navarro, et al. V. City of Houston, et al;* In the United States District Court, Southern District of Texas, Houston Division

Dear Mr. Cambrice:

In response to your letter of October 11, 1999, please be advised that I will produce the following witnesses for deposition, in my office, as follows:

Rogelio Oregon on October 19, 1999; and

Nelly Mejia and Salvador Lopez will be made available for deposition the weeks of November 1<sup>st</sup>, November 8<sup>th</sup> and November 15<sup>th</sup>.

Our office will continue to represent Nelly Mejia and Salvador Lopez for purposes of any deposition or court appearance, and Chris Flood will continue to represent Rogelio Oregon for the same purpose, even though they are voluntarily dismissing their claims without prejudice in the above referenced case.

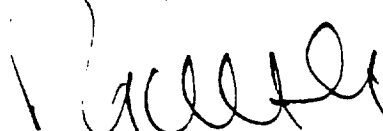


Mr. Cambrice  
October 13, 1999  
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If these dates are not convenient, or you have any other questions, please give me a call.

Thank you for your courtesy and cooperation in this matter.

Sincerely,



RICHARD WARREN MITHOFF

RWM/tmd

cc:

Mr. Fred A. Keys, Jr.  
ATTORNEY AT LAW  
3401 Louisiana, Suite 270  
Houston, Texas 77002

Mr. Robert J. Thomas  
Assistant General Counsel  
HOUSTON POLICE OFFICERS' UNION  
Office of Legal Counsel  
1818 N. Memorial Way, Suite 201  
Houston, Texas 77007

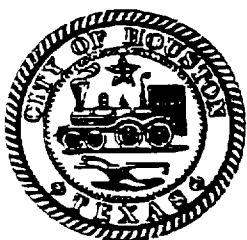
Mr. Duncan Neblett  
ATTORNEY AT LAW  
5 Greenway Plaza, Suite 1710  
Houston, Texas 77046

Mr. Cambrice  
October 13, 1999  
page -3-  
cc:

Mr. Chris Flood  
LAW OFFICES OF CHRIS FLOOD  
914 Preston, Suite 800  
Houston, Texas 77002

Mr. Paul Nugent  
FOREMAN, DEGEURIN,  
NUGENT & GERGER  
909 Fannin, Suite 590  
Houston, Texas 77010

Mr. Richard Hogan  
Mr. Russell Post  
HOGAN, DUBOSE  
& TOWNSEND  
440 Louisiana, Suite 1400  
Houston, Texas 77002



# CITY OF HOUSTON

Legal Department

Post Office Box 1562 Houston, Texas 77251-1562 713/247-2000

Lee P. Brown, Mayor

CITY COUNCIL MEMBERS: Bruce Tatro Michael J. Yarbrough Martha J. Wong Jew Don Boney, Jr. Rob Todd Ray F. Driscoll Jean Kelley Felix Frago  
Jonn E. Costillo Annise D. Parker Joe Reach Orlando Sanchez Chris Bell Carroll G. Robinson CITY CONTROLLER: Sylvia R. Garcia

October 11, 1999

Anthony W. Hall, Jr.  
City Attorney

Mr. Richard Warren Mithoff  
Mithoff & Jacks  
500 Dallas Street, PH 3450  
Houston, Texas 77002  
VIA FAX (713) 739-8085  
CM/RRR Z 260 275 238

Re: Civil Action No. H-98-3877; *Claudia Navarro Pineda, et al. vs. City of Houston, et al.*; in  
the United States District Court, Southern District of Texas, Houston Division

Dear Mr. Mithoff:

In response to your fax advising me of your intention of dismissing the claims of Rogelio Oregon, Nelly Mejia and Salvador Lopez, the City of Houston will oppose your motion to dismiss until you have produced Rogelio Oregon, Nelly Mejia and Salvador Lopez for depositions. Please advise me when they are available for depositions.

Respectfully,

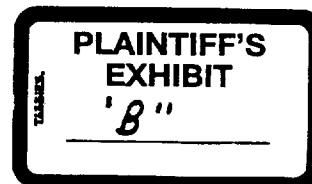
Robert L. Cambrice  
Senior Assistant City Attorney

RLC037/st

Enclosures

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U.S. COURTS  
SOUTHERN DISTRICT  
OF TEXAS

*Service Through Law*



October 11, 1999

Page 2 of 2

cc: Mr. Fred A. Keys, Jr.  
Attorney at Law  
3401 Louisiana, Suite 270  
Houston, Texas 77002  
**VIA FAX (713) 522-9204**  
**CM/RRR Z 260 275 239**

Mr. Duncan Neblett  
Attorney at Law  
5 Greenway Plaza, Suite 1710  
Houston, Texas 77046  
**VIA FAX (713) 572-1233**  
**CM/RRR Z 260 275 240**

Mr. Robert J. Thomas  
Asst. General Counsel  
Houston Police Officers' Union  
1818 North Memorial Way, Suite 201  
Houston, Texas 77007  
**VIA FAX (713) 426-0054**  
**CM/RRR Z 260 275 241**