

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TANYA BROWN-DICKERSON,
Administratrix of the Estate of
BRANDON-TATE BROWN, deceased,
et al.,

Plaintiff,

v.

CITY OF PHILADELPHIA,
et al.,

Defendants,

Civ. No. 15-4940-CDJ

CONSENT MOTION FOR VOLUNTARY DISMISSAL OF ACTION

PLAINTIFF, Tanya Brown-Dickerson, Administratrix of the Estate and Natural Mother of Brandon Tate-Brown, deceased, hereby moves this Honorable Court for an order dismissing the instant action, and in support thereof, avers as follows:

1. Plaintiff has made the decision to request dismissal of the instant litigation.
2. Undersigned counsel has explained to Plaintiff that she is not required to dismiss this action, that the decision to seek dismissal is hers alone, as the Plaintiff, to make, that it must be voluntary, that she has the right to continue the case, that no person can promise her anything in exchange for dismissal, and that a request for dismissal will be up to the Court.
3. Despite counsel's work put into the case, undersigned counsel must respect the Plaintiff's right, as the client and mother of the deceased, to decide what is best for her family and whether to proceed to trial. Plaintiff and the family are facing a contested trial, in which it is not possible to know how the jury or court might rule. In light of same, Plaintiff has requested that the public and media respect her decision and leave her family in peace. Plaintiff has been advised and understands that she has the right to proceed to trial instead of requesting the instant dismissal. Plaintiff, the mother of the deceased, cannot and should not be criticized for her decision, but her decision should be respected. Nor should her decision be taken to mean that she approves of the police officers' conduct, in any respect whatsoever, on the night in question. Although

police recovered a gun from the scene, Plaintiff demonstrated that decedent was not reaching into his right passenger door for a gun at the time he was shot. Plaintiff has no further comment at this time.

4. Local Civil Rule 41.2 provides that: “No claim of a minor or incapacitated person or of a decedent’s estate in which a minor or incapacitated person has an interest shall be compromised, settled, or dismissed unless approved by the court.” Plaintiff is unaware of any minor or incapacitated person who has an interest in the instant action. Plaintiff respectfully requests the Court’s approval of the instant Motion.
5. Plaintiff has executed a Declaration in Support of Motion to Dismiss Action, which is attached hereto, made a part hereof by reference, and marked **Exhibit A**. Paragraph 6 of the said Declaration is redacted because it discloses personal health information of one of the persons involved in this action that is not material to the disposition of the instant Motion.
6. It is Plaintiff’s understanding that the Defendants consent to the relief requested in this Motion.
7. Plaintiff has attached to the instant Motion a proposed Order for the Court’s consideration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant the instant Motion.

MILDENBERG LAW FIRM, P.C.

/s/ Brian R. Mildenberg

By: BRIAN R. MILDENBERG, ESQUIRE

Identification No.: 84861

1735 Market Street, Suite 3750

Philadelphia, PA 19103

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(215) 545-4870

Counsel for Plaintiff

Dated: 9/13/2017

CERTIFICATE OF SERVICE

I, Brian R. Mildenberg, Esquire, Counsel for Plaintiff, certify that I served a true and correct copy of the foregoing Motion and Declaration at Exhibit A thereto upon counsel of record for Defendants using the Court's ECF system, causing delivery by email.

MILDENBERG LAW FIRM, P.C.

/s/ Brian R. Mildenberg

By: BRIAN R. MILDENBERG, ESQUIRE

Identification No.: 84861

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Counsel for Plaintiff

Dated: 9/13/2017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EXHIBIT "A"

TANYA BROWN-DICKERSON,
Administratrix of the Estate of
BRANDON-TATE BROWN, deceased,
et al.,

Plaintiff,

v.

CITY OF PHILADELPHIA,
et al.,

Defendants,

Civ. No. 15-4940

DECLARATION OF PLAINTIFF
TANYA BROWN-DICKERSON
IN SUPPORT OF MOTION TO DISMISS ACTION

I, TANYA BROWN-DICKERSON, PLAINTIFF, DECLARE, UNDER
PENALTIES OF PERJURY, AS FOLLOWS:

1. I, Tanya Brown-Dickerson, am Plaintiff in the above action. I am an adult individual. I am the natural mother of Brandon Tate-Brown.
2. I am instructing my attorney to file a request to dismiss this lawsuit. I feel that this is the best decision for myself and for my family.
3. I request that the media and public respect my decision to dismiss the civil case and have no further comment at this time. Please leave my family in peace.
4. I understand that if the Judge dismisses my lawsuit, that dismissal will be final, and I will not be able to sue again for monetary damages or anything else in connection with the death of my son. I understand I will not be able to reopen this case or change my mind once the case is dismissed. This is my final decision.
5. I have spoken with my attorney at great length. My attorney has advised me, and I understand:
 - a. That I have the right to make my own decision;

Client initials: SD

- b. That no person can threaten me or coerce me, or promise me anything in exchange for dismissing or proceeding;
- c. That the decision must be my own voluntary decision;
- d. That I have the right to review my decision and this document, with any other lawyer or person I wish;
- e. That I can still change my mind and continue with the case if I wish.

6.

Paragraph 6 is redacted due to disclosure of personal health information of one of the persons involved in the litigation.

- 7. I understand my decision to dismiss, if approved by the Court, will be binding and final.
- 8. I have had several months to think about and confirm my decision, and to seek out any other counsel or the advice of other attorneys to help me make this decision. I have not changed my mind.
- 9. I understand that I have the right to continue my case instead of dismissing my case. No one has promised me anything or given me anything in exchange for this decision.
- 10. Brandon Tate-Brown died without children.
- 11. I have received a copy of this Declaration for my records.

The foregoing is declared to be true and correct to the best of my knowledge, information and belief, subject to penalties of perjury, and was executed in Philadelphia, Pennsylvania on the date indicated below.

BY: Tanya Brown-Dickerson
Tanya Brown-Dickerson
Plaintiff

DATE: 8.24.17

Client initials: SP