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 and Donald C. Winter, Secretary of the Navy

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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10	LT. RICHARD T. GENGLER and)	1:06-cv-00362-OWW-LJO
11	LT. DANIEL S. McSEVENEY,)	
)	STIPULATION RE EX PARTE MOTION
12	Plaintiffs,)	FOR ENTRY OF TEMPORARY
)	RESTRAINING ORDER; <u>ORDER</u>
13	v.)	<u>THEREON</u>
)	
14	UNITED STATES OF AMERICA)	
	THROUGH ITS DEPARTMENT OF)	
15	DEFENSE AND NAVY; and)	
	SECRETARY DONALD C. WINTER,)	
16	Defendants.)	
)	

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 18 Plaintiffs Lt. Richard T. Gengler and Lt. Daniel S.
 19 McSeveney ("Plaintiffs") and Defendants United States of America
 20 and Donald C. Winter, Secretary of the Navy ("Defendants"), by
 21 and through undersigned counsel, hereby stipulate as follows with
 22 respect to Plaintiffs' pending ex parte motion for entry of a
 23 temporary restraining order, and respectfully request that the
 Court so approve.

24 1. Defendants shall maintain Plaintiffs' non-deployable
 25 status with the Navy through July 10, 2006 and will not deploy
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1 Plaintiffs to Iraq or any location outside the Continental United
2 States prior to July 10, 2006.

3 2. Plaintiffs' withdraw their Ex Parte Motion for Order
4 for Entry of Temporary Restraining Order and Order to Show Cause
5 re Entry of Preliminary Injunction, filed April 3, 2006, without
6 prejudice.

7 3. Nothing in this Stipulation shall constitute a waiver
8 of any claims by Plaintiff or any defenses that may be asserted
9 by Defendants. Defendants specifically reserve all of their
10 defenses and objections in this action, including without
11 limitation their defenses and objections under Rules 4, 8 and 12
12 of the Federal Rules of Civil Procedure and under all other
13 applicable laws and procedural rules.

14 Dated: April 5, 2006. Respectfully submitted,
LEWIS BRISBOIS BISGAARD &
SMITH LLP

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16 By: /s/ Timothy R. Lord
17 TIMOTHY R. LORD
18 JEFFREY B. STOLTZ
19 Attorneys for Plaintiffs
20 Lt. Richard T. Gengler and
21 Lt. Daniel S. McSeveney

22 Dated: April 5, 2006. MCGREGOR W. SCOTT
United States Attorney

23 By: /s/ Kimberly A. Gaab
24 KIMBERLY A. GAAB
25 Assistant U.S. Attorney
26 Attorneys for Defendants
27 United States of America
and Donald C. Winter,
Secretary of the Navy

1 IT IS SO ORDERED.

2 **Dated: April 6, 2006**
3 emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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