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DANIEL PROVENCIO, JR., etc., et al

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JOHNNY G. PROVENCIO

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

**DANIEL PROVENCIO, JR., etc.,
et al,**

Plaintiff,

vs.

PATRICIA L. VAZQUEZ, et al

1:07-CV-00069-AWI-JLT

**JOINT STIPULATION AND ORDER
STRIKING FOURTH CAUSE OF
ACTION OF FIFTH AMENDED
COMPLAINT**

*[Assigned to the Honorable
Anthony W. Ishii]*

Trial: August 17, 2010

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs through their respective counsel and Defendants through their respective counsel as follows:

Plaintiffs have filed their Fifth Amended Complaint on August 5, 2010.

Plaintiffs' counsel inadvertently included the Fourth Cause of Action in the Fifth Amended Complaint. Plaintiffs had previously conceded that summary judgment was appropriate as to that cause of action.

As such, the parties through their counsel agree and stipulate that the Fourth Cause of Action in the Fifth Amended Complaint be stricken by the Court.

EDMUND G. BROWN, JR. Attorney
General of the State of
California

PAMELA J. HOLMES, Supervising
Deputy Attorney General

DOUG KNOLL, Deputy Attorney
General

BENJAMIN BARNOUW, Deputy
Attorney General

Dated: March 8, 2010
2010)

By: /s/ Doug Knoll (As _____
authorized on March 8,

DOUG KNOLL
Deputy Attorney General
Attorneys for

Defendants
MATTHEW

PAT L. VASQUEZ,
PALMER,

DAVID HICKS,
LORLEAN DRUGICH, REMIJIO
PAREDES AND MICHAEL SONGER

LeBEAU-THELEN, LLP

Dated: March 8, 2010
2010)

By: /s/ J. Nile Kinney (As
authorized on March 7,

J. NILE KINNEY
Attorney for Defendant
MATTHEW ADAMS

McNICHOLAS & McNICHOLAS

Dated: March 8, 2010
McNicholas (As
authorized on March 8, 2010)

By: /s/ John

JOHN McNICHOLAS
Attorney for Plaintiff
NANCY MENDOZA

Dated: March 8, 2010

By: /s/ Michael R. Mitchell (As
authorized on March 8, 2010)

MICHAEL R. MITCHELL
Attorney for Plaintiff
DANIEL PROVENCIO, JR.

Dated: March 8, 2010

GORDON, EDELSTEIN, KREPACK,
GRANT, FELTON & GOLDSTEIN

By: /s/ Joshua M. Merliss
JOSHUA M. MERLISS
Attorney for Plaintiff
JOHNNY G. PROVENCIO

ORDER

IT IS SO ORDERED.

Dated: March 9, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE