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7 Attorneys for Defendant  
8 STATE CENTER COMMUNITY COLLEGE  
DISTRICT

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

13 DAVID PAUL DAVENPORT,  
14 Plaintiff,  
15 v.  
16 BOARD OF TRUSTEES OF THE STATE  
17 CENTER COMMUNITY COLLEGE  
DISTRICT,  
18 Defendant.

Case No. 1:07-cv-494 OWW/SMS  
**STIPULATION AND ORDER TO  
WITHDRAW PENDING MOTIONS**

19  
20 **RECITALS**

21 WHEREAS, on August 25, 2009, the Court granted Defendant's motion for summary  
22 judgment;  
23 WHEREAS, on September 16, 2009, the Court entered judgment for Defendant;  
24 WHEREAS, on September 30, 2009, Plaintiff filed a motion for reconsideration, which is  
25 currently pending;  
26 WHEREAS, on October 16, 2009, Defendant filed a motion for attorneys' fees, which is  
27 currently pending;  
28 WHEREAS, on October 29, 2010, the parties executed a Settlement Agreement in this

1 matter. In the Agreement, Defendant agreed to waive its ability to recover costs or attorneys' fees  
2 against Plaintiff and to withdraw its pending motion for attorneys' fees, and Plaintiff agreed to  
3 withdraw his pending motion for reconsideration and waive his right to appeal.

4 THEREFORE, the parties hereby stipulate as follows:

5 **STIPULATION**

6 IT IS HEREBY STIPULATED by and between Plaintiff David Paul Davenport and the  
7 State Center Community College District, by and through their respective counsel of record, that  
8 Plaintiff's pending motion for reconsideration is hereby withdrawn and Defendant's pending  
9 motion for attorneys' fees is hereby withdrawn, each party to bear its own attorneys' fees and  
10 costs.

11 SO STIPULATED.

12 Dated: December 22, 2010

Liebert Cassidy Whitmore

13 By: /s/ Jesse J. Maddox

14 Jesse J. Maddox  
15 Shelline K. Bennett  
16 Attorneys for Defendant  
17 STATE CENTER COMMUNITY  
COLLEGE DISTRICT

18 Dated: December 23, 2010

Donahue Gallagher Woods LLP

19 By: /s/ David A Stein

20 David A. Stein  
21 Attorneys for Plaintiff  
22 DAVID PAUL DAVENPORT

23  
24 IT IS SO ORDERED.

25 Dated: December 27, 2010

26 /s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE