

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LAW OFFICES OF  
**ALLEN & FAGALDE**  
**ALBERTONI & FLORES**  
LLP  
KIMBERLY G. FLORES SBN 227131  
1640 "N" STREET, SUITE 200  
POST OFFICE BOX 2184  
MERCED, CALIFORNIA 95344-0184  
(209) 723-4372  
(209) 723-7397

Attorneys for Plaintiff, John Roe

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

**JOHN ROE, a minor, by and through his  
Guardian Ad Litem, SHEILIA IRENE  
CALLAHAN,**

**Plaintiffs**

**vs.**

**GUSTINE UNIFIED SCHOOL DISTRICT;  
GOLDEN VALLEY UNIFIED SCHOOL  
DISTRICT; KYLE MATTHEW FISCHER,  
aka KYLE SIMMONS, a minor; MICHAEL  
FISCHER, aka MICHAEL SIMMONS, a  
minor; KELLY SIMMONS; JASON  
SIMMONS; MATTHEW MCKIMMIE, a  
minor; MYRNA TYNDAL; TOMMY SAN  
FELIPPO, a minor; FRANK HUDSON;  
BETTY HUDSON; CARL SCUDDER;  
JASON SPAULDING; ANTHONY SOUZA;  
ADAM CANO; TIMOTHY HAYES;  
KULJEET MANN; CHRIS  
IMPERATRICE, AND DOES 1-50**

**Defendants.**

**And Related Cross Actions.**

**NO.: 1:07-CV-00796-0WW-SMS**

**STIPULATION OF DISMISSAL AND  
ORDER THEREON**

IT IS HEREBY STIPULATED by and between Kimberly G. Flores, counsel for Plaintiff  
JOHN ROE, and Defendant GUSTINE UNIFIED SCHOOL DISTRICT that the above-captioned

1 action be and hereby is dismissed with prejudice, as to Defendant, GUSTINE UNIFIED  
2 SCHOOL DISTRICT, pursuant with FRCP 41 (a) (1).

3 Further, pursuant to the December 22, 2009 Memorandum Decision by United States  
4 District Judge Oliver W. Wanger, the above-captioned action is hereby dismissed with prejudice,  
5 as to Defendants ADAM CANO, JASON SPAULDING, ANTHONY SOUZA, and CARL  
6 SCUDDER.  
7

8 Each party will bear its own costs and attorney fees.

9 Dated: July 27, 2010

10 Kimberly G. Flores  
11 KIMBERLY G. FLORES, Attorneys for Plaintiff  
12 JOHN ROE

12 Dated: July 27, 2010

13 Mart B. Oller, IV  
14 MART B. OLLER, IV, Attorneys for Defendants  
15 GUSTINE UNIFIED SCHOOL DISTRICT,  
16 ADAM CANO, JASON SPAULDING, and  
17 ANTHONY SOUZA

17 Dated: August 2, 2010

18 James McBrearty  
19 JAMES McBREARTY, Attorneys for Defendant  
20 CARL SCUDDER

21 **ORDER**

22 Upon considering the stipulation, and good cause appearing:

23 IT IS HEREBY ORDERED that the action is dismissed as to GUSTINE UNIFIED  
24 SCHOOL DISTRICT, ADAM CANO, JASON SPAULDING, ANTHONY SOUZA, and CARL  
25 SCUDDER, in accordance with the stipulation.

26 ///

27 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO ORDERED.

Dated: August 2, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE