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8 Attorneys for Defendant

9
 10 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12

13 GUSTAVO A. GARCIA,

14 Plaintiff,

15 v.

16 COUNTY OF TULARE, et al.,

17 Defendants.
 18 _____

NO. 1:08-CV-00940-AWI-SMS

STIPULATION OF THE
 PARTIES DISMISSING
 CERTAIN DEFENDANTS
 AND CAUSES OF ACTION
 OF THE FIRST AMENDED
 COMPLAINT AND
 PROPOSED ORDER

19 The parties hereby stipulate that the Plaintiff will voluntarily dismiss, pursuant to FRCP
 20 Rule 41(a), from his First Amended Complaint filed on September 12, 2008:

21 1. As to the First Cause of Action, the County of Tulare (for which liability allegedly
 22 arises under Monell), Tulare County Sheriff's Sergeant Wheeler, Tulare County Sheriff Bill
 23 Wittman, and Tulare County Sheriff Deputy Joshua Fisher are dismissed.

24 2. Second Count, Violation of Federal Civil Rights (First Amendment): False Arrest
 25 and Imprisonment in Retaliation for Exercise of First Amendment and California Constitutional
 26 and Statutory Rights is dismissed in its entirety against all named defendants.
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1 3. Fourth Count, Violation of the "Bane Act" (Cal. Civ. Code § 52.1), is dismissed in
2 its entirety against all named defendants.

3 4. Fifth Count, Intentional Infliction of Emotional Distress, is dismissed in its
4 entirety against all named defendants.
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6 5. Sixth Count, Respondeat Superior, is dismissed as to Bill Wittman in his
7 individual capacity, leaving the County of Tulare as the only defendant named in Count Six.

8 The parties further stipulate that the following causes of action remain:

- 9 1. First and Third causes of action against defendant, Brandee Robinson.
10
11 2. First cause of action against defendant, Sergeant Liles.
12

13 Dated: 11-6-09

JAMES C. HOLLAND

14 By /s/ James C. Holland
15 James C. Holland
16 Attorney for Plaintiff
17

18 Dated: 11-6-09

KATHLEEN BALES-LANGE
Tulare County Counsel

19
20 By /s/ Julia Langley
21 Julia Langley
22 Deputy County Counsel

ORDER

23
24 IT IS SO ORDERED.

25 **Dated: November 12, 2009**

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