

1 KAMALA D. HARRIS, State Bar No. 146672
Attorney General of California
2 STEVEN M. GEVERCER, State Bar No. 112790
Senior Assistant Attorney General
3 STEPHEN C. PASS, State Bar No. 131179
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-2558
6 Fax: (916) 322-8288
E-mail: Stephen.Pass@doj.ca.gov
7 *Attorneys for Defendant Slue Railsback*

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

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13 **MICHELLE RIVAS and THOMAS**
KASCHAK,
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15 Plaintiffs,
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17 **v.**
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19 **CALIFORNIA FRANCHISE TAX BOARD,**
et al.,
Defendants.

1:08-CV-00942 LJO SKO

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL**

[Fed. R. Civ. P. 41(a)(1)(A)(ii)]

Action Filed:

20 Plaintiff, Thomas Kaschak, by his counsel, and Defendant, Slue Railsback, by her counsel,
21 hereby stipulate and agree to the dismissal of the above captioned matter in its entirety without
22 prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

23 This Stipulation and Proposed Order is being filed by Defendant at the request of Plaintiff's
24 attorney, James R. Rowe.

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1 Dated: February 7, 2012

Respectfully submitted,

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KAMALA D. HARRIS
Attorney General of California
STEVEN M. GEVERCER
Senior Assistant Attorney General

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/s/Stephen C. Pass

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STEPHEN C. PASS
Deputy Attorney General
Attorneys for Defendant Slue Railsback

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10 Dated: February 7, 2012

/s/ James R. Rowe
James R. Rowe
The Law Firm of Rowe & Associates
100 North LaSalle St., Suite 1010
Chicago, Illinois, 60602
(312) 345-1357
Attorneys for Plaintiff Thomas Kaschak

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Based on the parties' stipulation, this Court DISMISSES without prejudice this entire action and VACATES all pending matters and dates. This Court further DISCHARGES its February 3, 2012 order to show cause and DIRECTS the clerk to close this action.

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IT IS SO ORDERED.

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Dated: February 8, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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