

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

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

TIMOTHY DAUBERT,	)	1:09-cv-1463 GSA
	)	
Plaintiff,	)	
	)	ORDER RE: PARTIAL DISMISSAL
	)	OF CASE
vs.	)	
	)	
LINDSAY UNIFIED SCHOOL	)	
DISTRICT,	)	
	)	
Defendant.	)	

Pursuant to the stipulation of dismissal filed by the parties on August 25, 2010, the Court DISMISSES this action with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure except that claim four remains. This remaining claim states that “on August 8, 2009, Plaintiff went to the Lindsay High School Stadium ... There is no hadnicapped seating.”<sup>1</sup> Each party is to bear its own attorney’s fees and costs on the dismissed causes of action.

IT IS SO ORDERED.

**Dated: August 27, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> This claim can be found in Plaintiff’s Amended Complaint at ¶ 5 at page 3.