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COUNTY OF KERN, KERN COUNTY
DEPARTMENT OF PARKS AND
RECREATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHOFNER, GANEAN MARIE PARAJA, Plaintiffs, v. UNITED STATES OF AMERICA, et al., Defendants. _____	CASE NO: 1:12 CV0062LJO/LJT **STIPULATION TO DISMISS PLAINTIFFS FOURTH CAUSE OF ACTION AND PLAINTIFFS' COMPLIANCE WITH THE CALIFORNIA TORT CLAIMS ACT,** AND **[PROPOSED] ORDER** Location: USDC CRTRM: 4 Judge: Hon. Lawrence J. O'Neill Date Action Filed: September 26, 2011 Date Set For Trial: September 16, 2014

THE PARTIES BY AND THROUGH THEIR RESPECTIVE ATTORNEYS OF RECORD HERBY

STIPULATE AS FOLLOWS:

1

1   1) The Plaintiffs have agreed to dismiss the Fourth Cause of Action, as it pertains to violations of

2   the Plaintiffs' Eighth Amendment Rights, pursuant to <u>Pierce v. Multnomah County, Or.</u>, 76 F.3d

3   1032, (1996).

4   2) It is further Stipulated by and between the parties that the Plaintiffs have complied with the

5   California Tort Claims Act.

6

7 IT IS SO STIPULATED:

8 Dated: December 20, 2012   /s/   Robert A. Brady

9   Robert A. Brady, Attorney for

10   Plaintiffs MICHAEL SHOFNER and
                                       GENEAN PARAJAS

11

12

13 Dated: December 20, 2012   /s/   Mark L. Nations
                                       Mark L. Nations, Chief Deputy

14   Kern County Counsel, Attorneys for
                                       Defendants KERN COUNTY

15   DEPARTMENT OF PARKS AND
                                       RECREATION

16

17 Dated: December 20, 2012   /s/   Alyson A. Berg
                                        Alyson A. Berg

18   Assistant United States Attorney

19   Attorneys for Defendant
                                     UNITED STATES OF AMERICA

20

21

22 Dated: December 20, 2012   /s/   Oliver U. Robinson, Esq.
                                     ROBINSO0N & KELLAR

23   3434 Truxtun Avenue, Suite 150
                                     Bakersfield, CA 93301

24   Attorneys for Defendant

25   Deputy WILLIAM STRAWTER

26   After reviewing the attached Stipulation between the parties by and through their respective

27 counsel of record, and good cause appearing, the Court Orders that the Fourth Cause of Action of

28 Plaintiffs' First Amended Complaint is dismissed with prejudice. The Court further finds that the

STIPULATION AND [PROPOSED] ORDER TO DISMISS PLAINTIFFS' FOURTH CAUSE OF ACTION

Parties have stipulated that the Plaintiffs have complied with the California Tort Claims Act.

IT IS SO ORDERED.

Dated: __December 28, 2012__   __/s/ Lawrence J. O'Neill__
                                        UNITED STATES DISTRICT JUDGE

STIPULATION AND [PROPOSED] ORDER TO DISMISS PLAINTIFFS' FOURTH CAUSE OF ACTION