

Names and addresses of counsel appear
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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8 **FRESNO DIVISION**

9 LUIS SANCHEZ, ANGELITA SOTO,
10 GLORIA WILLIAMS, THERESA CALMER,
11 JULIAN FERNANDEZ, MELISSA OHLER,
12 and JOSHUA DEEN,

13 Plaintiffs,

14 vs.

15 CITY OF FRESNO, ASHLEY SWEARENGIN,
16 MARK SCOTT, BRUCE RUDD, GREG
17 BARFIELD, JERRY DYER, PHILLIP
18 WEATHERS, MALCOLM DOUGHERTY,
19 ANDREW HALL, GREGORY GARNER,
20 RICHARD TUCKER, GLEN SCHAFER,
21 MARK VAN WYHE, JEFFREY LA BLUE,
22 RITCHIE O'DELL, MARIO TOSCANO,
23 TIMOTHY STEWART, JASON WATKINS,
24 DAVID MIRAMONTES, BRYAN ANALLA,
25 XAO HERR, DAVID GRAZIER, VUE YANG,
26 JOHN SKAGGS, JAMES HILDEBRAND,
27 KEITH DUTSON, RAUL BOMBARDLY,
28 EDUARDO CASTANO, LUIS
CASTELLANOS, JIM COPLAND, SU FANG,
ERNIE FLORES, ROBERT GRAHAM,
FRANCISCO GUEVARA, KEVIN HANSEN,
TIM HAUSCHEL, LEO HEREDIA, MARTY
HERRERA, PETER HOWE, ROBIN
KELDSSEN, JOHANAN KUDER, SCOTT
MARTIN, RICK MENDIZABAL, LEONARD
REYES, STEVEN REYES, and DOES 1-100,
inclusive,

Defendants.

Case No.: 1:12-cv-00428-LJO-SKO
And Related Consolidated Cases

**STIPULATION AND ORDER OF
DISMISSAL PURSUANT TO F.R.C.P.
41(a)(1)(A)(ii)**

Related Cases:

No. 1:12-CV-00430-LJO-SKO
No. 1:12-CV-00431-LJO-SKO
No. 1:12-CV-00432-LJO-SKO
No. 1:12-CV-00436-LJO-SKO
No. 1:12-CV-00528-LJO-SKO
No. 1:12-CV-01117-LJO-SKO
No. 1:12-CV-01118-LJO-SKO
No. 1:12-CV-01119-LJO-SKO
No. 1:12-CV-01120-110-SKO
No. 1:12-CV-01121-LJO-SKO
No. 1:12-CV-01122-LJO-SKO
No. 1:12-CV-01123-LJO-SKO
No. 1:12-CV-01124-LJO-SKO
No. 1:12-CV-01125-LJO-SKO
No. 1:12-CV-01126-LJO-SKO
No. 1:12-CV-01128-110-SKO
No. 1:12-CV-01130-LJO-SKO
No. 1:12-CV-01132-LJO-SKO
No. 1:12-CV-01133-LJO-SKO
No. 1:12-CV-01134-LJO-SKO
No. 1:12-CV-01136-LJO-SKO
No. 1:12-CV-01137-LJO-SKO
No. 1:12-CV-01138-110-SKO
No. 1:12-CV-01139-LJO-SKO
No. 1:12-CV-01161-LJO-SKO
No. 1:12-CV-01162-LJO-SKO
No. 1:12-CV-01166-LJO-SKO
No. 1:12-CV-01215-LJO-SKO

1 IT IS HEREBY STIPULATED between and among the parties, by and through their
2 respective counsel of record, as follows:

3 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs LUIS
4 SANCHEZ, ANGELITA SOTO, GLORIA WILLIAMS, THERESA CALMER, JULIAN
5 FERNANDEZ, MELISSA OHLER and JOSHUA DEEN (“Plaintiffs”) and Defendants stipulate to
6 the dismissal of all claims asserted by Plaintiffs in their Second Amended Complaint, without
7 prejudice, as to the following defendants only: ANDREW HALL, RICHARD TUCKER, GLEN
8 SCHAFER, MARK VAN WYHE, JEFFREY LA BLUE, RITCHIE O’DELL, MARIO TOSCANO,
9 TIMOTHY STEWART, JASON WATKINS, DAVID MIRAMONTES, BRYAN ANALLA, XAO
10 HERR, DAVID GRAZIER, VUE YANG, JOHN SKAGGS, JAMES HILDEBRAND, KEITH
11 DUTSON, EDUARDO CASTANO, JIM COPLAND, ERNIE FLORES, ROBERT GRAHAM,
12 FRANCISCO GUEVARA, KEVIN HANSEN, TIM HAUSCHEL, LEO HEREDIA, MARTY
13 HERRERA, PETER HOWE, ROBIN KELDSEN, JOHANAN KUDER, SCOTT MARTIN,
14 LEONARD REYES and STEVEN REYES (“Dismissed Defendants”).

15 2. Plaintiffs and Defendants further stipulate that Plaintiffs’ Second Amended
16 Complaint, and all claims asserted therein, will proceed as and against the remaining defendants, as
17 follows: CITY OF FRESNO, ASHLEY SWEARENGIN, MARK SCOTT, BRUCE RUDD, GREG
18 BARFIELD, JERRY DYER, PHILLIP WEATHERS, MALCOLM DOUGHERTY, GREGORY
19 GARNER, RAUL BOMBARDLY, LUIS CASTELLANOS, SU FANG and RICK MENDIZABAL
20 (“Remaining Defendants”). The dismissal of the Dismissed Defendants will not prejudice any
21 claims, allegations or relief being pursued by Plaintiffs as to the Remaining Defendants.
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23 IT IS SO STIPULATED.
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1 Dated: October 10, 2013

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MARIO TOSCANO, TIMOTHY STEWART,
12 JASON WATKINS, DAVID MIRAMONTES,
BRYAN ANALLA, XAO HERR, DAVID
13 GRAZIER, VUE YANG, JOHN SKAGGS,
JAMES HILDEBRAND, KEITH DUTSON,
14 RAUL BOMBARDLY, EDUARDO
CASTANO, LUIS CASTELLANOS, JIM
15 COPLAND, SU FANG, ERNIE FLORES,
ROBERT GRAHAM, FRANCISCO
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KELDSSEN, JOHANAN KUDER, SCOTT
18 MARTIN, RICK MENDIZABAL, LEONARD
REYES and STEVEN REYES

1 Dated: October 10, 2013

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

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11 **ORDER**

12 This Court ENTERS this order in accordance to the parties' above stipulation.

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14 IT IS SO ORDERED.

15 Dated: October 15, 2013

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