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9 (Appearances for Additional Counsel on Next Page)

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

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CARLOS SILVEIRA, GEORGETTE
14 PICKETT, and CHARLES HUGHES, as
individuals, and on behalf of all other similarly
15 situated,

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Plaintiff,

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vs.

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JEFFREY A. BEARD, in his capacity as the
Secretary of the California Department of
19 Corrections and Rehabilitation; and DOES 2
through 10, inclusive,

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Defendant.

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Case No. 1:13-CV-00084-AWI-BAM

**STIPULATION TO DISMISS
PLAINTIFFS' SECOND AMENDED
COMPLAINT;
ORDER GRANTING DISMISSAL
[FRCP 41(a)(2)]**

The Hon. Anthony W. Ishii
Courtroom: 2

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1 Whereas, on January 16, 2013, Plaintiffs filed their original complaint in this
2 action, Case No. 1:13-CV-00084-AWI-BAM;

3 Whereas, on June 26, 2013, Plaintiffs filed their operative second amended
4 complaint in this action;

5 Whereas, for the past several months, the parties have engaged in informal
6 discovery with the hope that informal discovery might facilitate prompt resolution
7 of the action prior to the commencement of formal discovery;

8 Whereas, Defendant has produced in informal discovery documents and
9 supporting information related to the administration of Plaintiffs' wages, including
10 payroll, contract and policy documents;

11 Whereas, Defendant and Plaintiffs have conferred on multiple occasions
12 regarding the merits of Plaintiffs' allegations that Defendant's policies violate the
13 Fair Labor Standards Act;

14 Whereas, Plaintiffs have now completed their review of the information and
15 documents produced in informal discovery; and, based on the information provided,
16 Plaintiffs believe that a vast amount of expenses will incur by continuing this
17 litigation and the parties have agreed to dismiss the matter without prejudice and
18 without an award of costs or fees to any party;

19 Accordingly, the parties to this action, through their respective attorneys of
20 record, hereby STIPULATE and REQUEST that this Court, pursuant to Federal
21 Rule of Civil Procedure 41(a)(2), hereby dismiss, without prejudice and without an
22 award of costs or attorney's fees to any party, the above-captioned lawsuit filed
23 against Defendant Jeffrey A. Beard in his capacity as the Secretary of the California
24 Department of Corrections and Rehabilitation.

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ORDER

In consideration of the Parties' Stipulation and Request, and good cause having been shown, it is ORDERED, pursuant to Federal Rule of Civil Procedure 41(a)(2), that the above-captioned lawsuit, Case No. 1:13-CV-00084-AWI-BAM, is hereby DISMISSED without prejudice and without an award of costs or attorney's fees.

IT IS SO ORDERED.

Dated: February 28, 2014



SENIOR DISTRICT JUDGE