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8 Attorney for PLAINTIFF
9 COLEMAN PAYNE

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 COLEMAN PAYNE, an individual,

14 PLAINTIFF,

15 STATE OF CALIFORNIA, a government entity
16 and state in the United States; DEPARTMENT OF
17 STATE HOSPITALS, a government agency form
18 unknown; METROPOLITAN STATE HOSPITAL,
19 an entity form unknown; COUNTY OF
20 CALAVERAS, a government entity in the State of
21 California; CALAVERAS COUNTY SHERIFF, a
22 governmental agency of unknown form;
23 CALAVERAS COUNTY JAIL, an entity form
24 unknown; JOHN P. BAILEY, an individual; JOY
25 LYNCH, an individual, CALIFORNIA
26 FORENSIC MEDICAL GROUP, a business entity
27 of unknown form located in the State of California;
28 DOES 2 through 50, inclusive.

DEFENDANTS.

Case No. 17-CV-00906-DAD-MJS

**STIPULATION TO DISMISS
DEFENDANTS STATE OF
CALIFORNIA, DEPARTMENT OF
STATE HOSPITALS, AND
METROPOLITAN STATE HOSPITAL
WITHOUT PREJUDICE**

Judge: Hon. Michael J. Seng
Trial Date: None Assigned
Action Filed: July 2, 2017

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STIPULATION

Plaintiff Coleman Payne (“Plaintiff”) and DEFENDANTS, STATE OF CALIFORNIA, DEPARTMENT OF STATE HOSPITALS, AND METROPOLITAN STATE HOSPITAL, by and through their respective counsel of record, stipulate to the dismissal of only DEFENDANTS STATE OF CALIFORNIA, DEPARTMENT OF STATE HOSPITALS, AND METROPOLITAN STATE HOSPITAL from the instant action without prejudice.

IT IS HEREBY STIPULATED AND AGREED by Plaintiff COLEMAN PAYNE and Defendants, STATE OF CALIFORNIA, DEPARTMENT OF STATE HOSPITALS, AND METROPOLITAN STATE HOSPITAL, by and through their counsel, that:

1. The parties to this stipulation request that the court dismiss **only** DEFENDANTS STATE OF CALIFORNIA, DEPARTMENT OF STATE HOSPITALS, AND METROPOLITAN STATE HOSPITAL from this action without prejudice.

2. In exchange for this dismissal without prejudice, all parties to this agreement agree to bear their own fees and costs regarding the above federal action. This agreement to waive costs and fees, and any order upon this agreement to waive costs and fees, will cease if Defendants State of California, Department of State Hospitals, and/or Metropolitan State Hospital are brought into this action on a date after the order of their dismissal from this action is entered by this Court.

3. This Stipulation may be executed in counterparts.

IT IS SO STIPULATED.

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DATED: April 11, 2018

By: /s/ Lisa Tillman
Lisa Tillman Esq.
Deputy Attorney General
Office of the California Attorney General
Attorneys for Defendants
State of California, Department of State
Hospitals, and Metropolitan State Hospital

DATED: April 11, 2018

SLATER LAW, APC

By: /s/ Theodore Slater
Theodore Slater, Esq.
Attorneys for Plaintiff,
Coleman Payne

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ORDER

This matter is before the Court on the Stipulation of the Plaintiff Coleman Payne and Defendants State of California, Department of State Hospitals, and Metropolitan State Hospital, by and through their counsel, to dismiss without prejudice from this federal action the Defendants State of California, Department of State Hospitals, and Metropolitan State Hospital.

Good cause being found and no prejudice to any party or the Court resulting,

PURSUANT TO STIPULATION, THE COURT ORDERS AS FOLLOWS:

Defendants State of California, Department of State Hospitals, and Metropolitan State Hospital are dismissed from this federal unlimited civil case without prejudice. Plaintiff Coleman Payne and Defendants State of California, Department of State Hospitals, and Metropolitan State Hospital only shall each bear all attorneys fees and costs related to this lawsuit and make no claim for any attorney's fees or costs in this federal lawsuit as to each other. Should Plaintiff bring these Defendants into this lawsuit on a date after the order of their dismissal from this action is entered by this Court, the agreement and any order upon the agreement to waive costs and fees shall cease.

IT IS SO ORDERED.

Dated: April 14, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE