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9 **(Erroneously sued and served as Kern County),**
10 **Nick Evans, and Todd Newell**

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24 **And Doug Lovett**

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

17 **RHONDA HAGWOOD, DOUG LOVETT) Case No.: 1:18-CV-01092 JLT**
18 **)**
19 **Plaintiff,)**
20 **v.)**
21 **) STIPULATION AND [PROPOSED]**
22 **KERN COUNTY, a California municipal) ORDER REGARDING WITHDRAWAL**
23 **entity; NICK EVANS, an individual;) OF CERTAIN CAUSES OF ACTIONS**
24 **TODD NEWELL, and individual; and) AND CLAIMS**
25 **DOES 1 THROUGH 10, Inclusive.) (Doc. 61)**
26 **)**
27 **Defendants.)**
28 **)**

1 TO THE HONORABLE COURT:

2 WHEREAS the parties have met and conferred for the purpose of determining whether
3 issues can be resolved without the necessity of the filing of a motion for summary judgment
4 and/or adjudication, as required by the Court's Scheduling Order in this matter (Doc. No. 15).

5 IT IS HEREBY STIPULATED BY AND BETWEEN PLAINTIFFS, RHONDA
6 HAGODD AND DOUG LOVETT, and DEFENDANTS, COUNTY OF KERN, TODD
7 NEWELL and NICK EVANS, by and through their respective attorneys of record:

8 1) That Defendants agree to not file a motion for summary judgment and/or
9 adjudication in this case ; AND

10 2) that Plaintiffs agree that the following claims against the COUNTY OF KERN,
11 TODD NEWELL and NICK EVANS be dismissed from this action, with prejudice,
12 each side to bear their own costs:

13 **to the extent said claims are based upon the alleged acts or omissions of the Kern**
14 **County Sheriff's office and/or Kern County Sheriff employees**, in this case be dismissed
15 from this action, each side to bear their own costs:

16 1. As to the First Cause of Action of Plaintiff's First Amended Complaint, all
17 claims which allege that Todd Newell and/or Nick Evans were negligent in failing to provide
18 and/or summon prompt medical care to Nicholas Lovett, and all claims which alleged the
19 County of Kern failed to properly train and supervise employees are DISMISSED.

20 2. As to the Third Cause of Action of Plaintiff's First Amended Complaint, all §
21 1983 claims against all defendants contained therein pursuant to the Eighth Amendment of the
22 U.S. Constitution are DISMISSED.

23 3. As to the Fourth Cause of Action of Plaintiff's First Amended Complaint, for
24 municipal liability against the County of Kern for an alleged failure to train, this cause of
25 action is DISMISSED in its entirety.

26 4. As to the Fifth Cause of Action of Plaintiff's First Amended Complaint, for
27 municipal liability against the County of Kern for an alleged unconstitutional custom or policy,
28 this cause of action is DISMISSED in its entirety.

1 5. The remaining claims against the COUNTY OF KERN, NICK EVANS, and
2 TODD NEWELL are not affected by this stipulation and remain intact.

3
4 Respectfully submitted,

5 DATED: September 4, 2020

LAW OFFICES OF DALE GALIPO

6
7 /s/ Dale K. Galipo
8 By: Dale K. Galipo
9 Ranhee Lee
10 Attorneys for Plaintiffs

11 DATED: September 4, 2020

CARRILLO LAW FIRM, LLP

12 /s/ Michael S. Carrillo
13 By: Michael S. Carrillo
14 Attorneys for Plaintiffs

15 DATED: September 4, 2020

MARGO A. RAISON, COUNTY COUNSEL

16 /s/ Kathleen Rivera
17 By: Kathleen Rivera
18 Attorneys for Defendants

19 IT IS SO ORDERED.

20 Dated: September 9, 2020

21 /s/ Jennifer L. Thurston
22 UNITED STATES MAGISTRATE JUDGE
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