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8 Attorneys for *Plaintiffs*
 9 WALTER W. WELLS and SCOTT McFARLANE

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA
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13 WALTER W. WELLS and SCOTT
 14 MCFARLANE

Plaintiffs,

15 v.

16 COUNTY OF STANISLAUS; CITY OF
 17 MODESTO; CITY OF CERES; STANISLAUS
 COUNTY OFFICE OF THE DISTRICT
 18 ATTORNEY; KIRK BUNCH; JON EVERS;
 DALE LINGERFELT; STEVE JACOBSON;
 19 BIRGIT FLADAGER; and CORY BROWN.

20 Defendants.
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Case No. 1:20-cv-00770-TLN-BAM
 (The Hon. Troy L. Nunley)

**STIPULATION AND ORDER
 DISMISSING DEFENDANT DALE
 LINGERFELT**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Walter W. Wells and Scott
2 McFarlane (“Plaintiffs”) and Defendant Dale Lingerfelt (“Defendant Lingerfelt”), through their
3 respective counsel hereby agree and stipulate to the following:

- 4 1. Defendant Lingerfelt shall be dismissed from this lawsuit without prejudice;
- 5 2. Defendant Lingerfelt agrees that his attorney, John Whitefleet, is authorized to
6 accept service of a deposition or trial subpoena on his behalf;
- 7 3. Plaintiffs and Defendant Lingerfelt mutually agree to forever waive, discharge,
8 and release any and all claims that each may have against the other or the other’s
9 legal counsel arising out of the allegation set forth in this lawsuit; and
- 10 4. Each party to this Stipulation agrees to bear responsibility for his own attorney’s
11 fees and costs incurred in this lawsuit.

1 Dated: October 21, 2021

MORRISON & FOERSTER LLP

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By: 

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Arturo J. González
Jessica A. Grant
Matthew A. Chivvis
Robert S. Sandoval
Meredith L. Angueira
Attorneys for Plaintiffs
WALTER W. WELLS and SCOTT
McFARLANE

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10 Dated: October 21, 2021

PORTER SCOTT, APC

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By: /s/ John Whitefleet

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John Whitefleet
Attorney for Defendants
COUNTY OF STANISLAUS; CITY OF
MODESTO; STANISLAUS COUNTY
OFFICE OF THE DISTRICT ATTORNEY;
KIRK BUNCH; DALE LINGERFELT;
STEVE JACOBSON; BIRGIT
FLADAGER; and CORY BROWN

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ATTESTATION OF CONCURRENCE IN THE FILING

The filer, Arturo J. González, attests that all other signatories listed on whose behalf this filing is submitted concur in the filing’s content and have authorized the filing.

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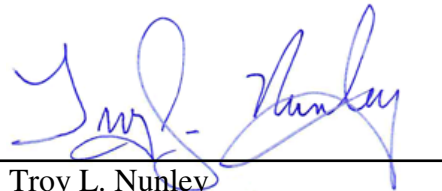
ORDER

Pursuant to the stipulation of the parties:

1. Defendant Lingerfelt is dismissed without prejudice;
2. Defendant Lingerfelt agrees that his attorney, John Whitefleet, is authorized to accept service of a deposition or trial subpoena on his behalf;
3. Plaintiffs and Defendant Lingerfelt mutually agree to forever waive, discharge, and release any and all claims that each may be against the other or the other's legal counsel arising out of the allegations set forth in this lawsuit; and
4. Each party to this Stipulation agrees to bear responsibility for his own attorney's fees and costs incurred in this lawsuit.

IT IS SO ORDERED.

Dated: October 21, 2021



Troy L. Nunley
United States District Judge