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6 Attorneys for Eric K. Shinseki, Secretary of Veterans Affairs,  
and the United States of America  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10  
11 MARJORIE McCLISS and MARK McCLISS,

12 Plaintiffs,

13 v.

14 JIMMIE EARL WARD; ERIC K. SHINSEKI,  
Secretary of Veterans Affairs; the UNITED  
15 STATES OF AMERICA; and DOES 1 through  
100, inclusive,

16 Defendants.  
17

CASE NO. 2:07-cv-01154-MCE-KJM

**STIPULATION OF DISMISSAL OF  
PLAINTIFFS' CLAIMS AGAINST  
SECRETARY OF VETERANS AFFAIRS  
AND UNITED STATES OF AMERICA  
WITH PREJUDICE; ORDER THERETO**

**[Fed.R.Civ.P. 41(a)]**

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19 Pursuant to the terms of a written compromise settlement and release of claims under 28 U.S.C.  
20 § 2677 between Plaintiffs Marjorie McCliss and Mark McCliss ("Plaintiffs") and Defendants Eric K.  
21 Shinseki, Secretary of Veterans Affairs, and the United States of America ("Federal Defendants"), and  
22 pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and Local Rule 16-160 of the U.S.  
23 District Court for the Eastern District of California, the Plaintiffs and the Federal Defendants hereby  
24 stipulate and respectfully request that the claims for relief by Plaintiffs Marjorie McCliss and Mark  
25 McCliss against Defendants Eric K. Shinseki, Secretary of Veterans Affairs, and the United States of  
26 America in the above-captioned action be dismissed with prejudice, and that the parties shall bear their  
27 own costs and fees.

28 IT IS SO STIPULATED

1 Respectfully submitted,

2  
3 DATED: January 26, 2010

BENJAMIN B. WAGNER  
United States Attorney

4 By: /s/ Todd A. Pickles

5 TODD A. PICKLES  
6 Assistant United States Attorney

7 Attorneys for the Secretary of Veterans Affairs and  
8 the United States of America

9 DATED: January 26, 2010

MASTAGNI, HOLSTEDT, AMICK, MILLER &  
JOHNSEN

10  
11 By: /s/ Tony Donaghue

12 TONY DONAGHUE


13 Attorneys for Plaintiffs Marjorie and Mark McCliss

14 **ORDER**

15  
16 This matter came before the Court on the Plaintiffs' and Federal Defendants' Stipulation of  
17 Dismissal of Plaintiffs' Claims Against the Secretary of Veterans Affairs and the United States of  
18 America. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and for good cause showing,  
19 the Court hereby ADOPTS the Stipulation. Accordingly, Plaintiffs' claims against the Secretary of  
20 Veterans Affairs and the United States of America are DISMISSED with prejudice and each party shall  
21 bear their own costs and fees. The case remains active against Defendant Jimmie Earl Ward.

22 IT IS SO ORDERED.

23 Dated: January 28, 2010

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26 MORRISON C. ENGLAND, JR.  
27 UNITED STATES DISTRICT JUDGE  
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