

SCOTT N. JOHNSON, ESQ., SBN 166952
DISABLED ACCESS PREVENTS INJURY, INC.
5150 FAIR OAKS BLVD., SUITE 101
PMB #253
CARMICHAEL, CA 95608-5758
TELEPHONE (916) 485-3516
FAX (916) 481-4224
E-MAIL scottjohnson@comcast.net

Attorney for Plaintiff Scott N. Johnson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON

Plaintiff,

vs.

MARK COOPER, ET. AL.,

Defendants

Case No.: CIV.S 08-cv-02698-FCD-DAD

**PLAINTIFF'S REQUEST FOR
DISMISSAL OF CONSTANCE FONG
AND ORDER**

Complaint Filed: NOVEMBER 12, 2008

**CASE TO BE REMAINED OPEN WITH
REMAINING DEFENDANTS**

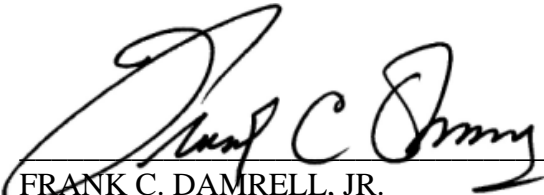
IT IS HEREBY REQUESTED by Plaintiff, Scott N. Johnson, that Defendant (Constance Fong) be and is hereby dismissed **WITHOUT PREJUDICE** pursuant to FRCP 41(a)(2). This case is to be remained open with remaining Defendants. Defendant (Constance Fong) is dismissed because this Defendant is deceased.

Dated: January 22, 2009

/s/Scott N. Johnson
SCOTT N. JOHNSON
Attorney for Plaintiff

1 **IT IS SO ORDERED.**

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3 Dated: January 22, 2009

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5 FRANK C. DAMRELL, JR.
6 UNITED STATES DISTRICT JUDGE
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