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8 Attorneys for Defendants, FAIR OAKS WATER DISTRICT,
TOM GRAY, SHAWN HUCKABY, (erroneously sued as
9 SHANE HICKABY)

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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
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15 DONALD HUBBARD,

16 Plaintiff

17 -vs-

18 FAIR OAKS WATER DISTRICT, a municipal
utility an entity; TOM GRAY, an individual;
19 SHANE HICKABY, an individual; and DOES
1 through 50, inclusive,

20 Defendants.
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Case no. 2:09-CV-02275-FCD-KJM

**STIPULATION AND ORDER TO DISMISS
ENTIRE ACTION WITHOUT PREJUDICE**

22 RECITALS

23 WHEREAS, Defendants have filed an answer to the complaint in this action;

24 WHEREAS, federal rules of civil procedure provide that an action cannot be dismissed once an answer
25 has been filed by defendants other than by stipulation of the parties or an order of the court;

26 THEREFORE, The parties and their respective attorneys of record do stipulate, agree, and request that
27 the court order this action, in its entirety, be dismissed without prejudice.
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1 Dated: 10/1/09

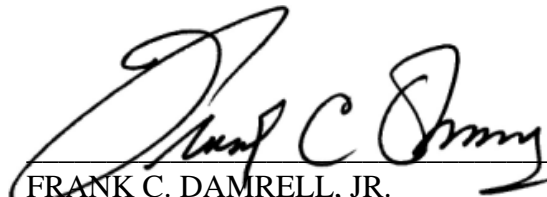
2 By: /s/ Lyle D. Solomon
3 LYLE D. SOLOMON
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5 ATTORNEY FOR PLAINTIFF
6 DONALD HUBBARD

6 Dated: 10/1/09

7 By: /s/ Ronald J. Scholar
8 RONALD J. SCHOLAR
9 SBN 187948
10 ATTORNEY FOR DEFENDANTS,
11 FAIR OAKS WATER DISTRICT,
12 TOM GRAY, SHAWN HUCKABY,
13 (erroneously sued as SHANE HICKABY)

12 **IT IS SO ORDERED.**

14 Dated: October 2, 2009

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16 FRANK C. DAMRELL, JR.
17 UNITED STATES DISTRICT JUDGE

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