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11 Attorneys for Defendants
12 PACIFIC GAS & ELECTRIC
COMPANY, DAVEY TREE SURGERY
13 COMPANY and THE DAVEY TREE
EXPERT COMPANY

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16

17 UNITED STATES OF AMERICA,) CASE NO.: 2:09-cv-02868-JAM-JFM
18 Plaintiff,)
19 vs.)
20 PACIFIC GAS AND ELECTRIC)
COMPANY, DAVEY TREE)
21 SURGERY COMPANY, AND THE)
DAVEY TREE EXPERT COMPANY,)
22 Defendants.)
23

24
25 **JOINT STIPULATION AND ORDER TO DISMISS**
26 **THE DAVEY TREE EXPERT COMPANY**

27 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) Plaintiff United States of
28 America ("Plaintiff") and Defendants Pacific Gas & Electric Company, Davey Tree

1 Surgery Company and The Davey Tree Expert Company ("Defendants") hereby
2 stipulate and agree that The Davey Tree Expert Company shall be dismissed from
3 this action without prejudice. Plaintiff and Defendant The Davey Tree Expert
4 Company each shall bear its own costs with respect to the other.

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7 Dated: November 30, 2009 CARLSON, CALLADINE & PETERSON LLP

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9 By: /s/ RANDY W. GIMPLE as authorized on 11/30/09
10 RANDY W. GIMPLE
11 Attorneys for Defendants Davey Tree
12 Surgery Company and The Davey Tree Expert
13 Company

14
15 Dated: November 30, 2009 NIXON PEABODY LLP

16 By: /s/ ROBERT M. BLUM as authorized on 11/30/09
17 ROBERT M. BLUM
18 Attorneys for PACIFIC GAS & ELECTRIC
19 COMPANY, DAVEY TREE SURGERY
20 COMPANY and THE DAVEY TREE EXPERT
21 COMPANY

22
23 Dated: November 30, 2009 UNITED STATES OF AMERICA

24 By: /s/ E. ROBERT WRIGHT as authorized on 11/30/09
25 BENJAMIN B. WAGNER
26 United States Attorney
27 E. ROBERT WRIGHT
28 Assistant United States Attorney

IT IS SO ORDERED

Dated: November 30, 2009

/s/ John A. Mendez
JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE