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9 Attorneys for Defendants
10 BOARD OF TRUSTEES OF
11 PLUMAS COUNTY OFFICE OF
12 EDUCATION/PLUMAS COUNTY
13 UNIFIED SCHOOL DISTRICT,
14 SUE SEGURA AND JEFF RAY

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION

14 JERALD CLINTON (J.C.) EAGLESMITH,
15 RAMONA EAGLESMITH, JUSTUS
16 EAGLESMITH, EILEEN COX, and BRUCE
17 BARNES

17 Plaintiffs,

18 vs.

19 JEFF RAY, as an individual, SUE
20 SEGURA, as an individual, and BOARD
21 OF TRUSTEES OF PLUMAS COUNTY
22 OFFICE OF EDUCATION/PLUMAS
23 COUNTY UNIFIED SCHOOL DISTRICT

22 Defendants.

Case No.: 2:11-CV-00098-JAM-JFM

**STIPULATION AND ORDER
REGARDING PLAINTIFF RAMONA
EAGLESMITH'S CLAIMS FOR
EMOTIONAL DISTRESS**

23 Plaintiff RAMONA EAGLESMITH by and through said plaintiff's attorney of
24 record, Siegel & Yee, and defendants JEFF RAY, SUE SEGURA, and BOARD OF
25 TRUSTEES OF PLUMAS COUNTY OFFICE OF EDUCATION/PLUMAS COUNTY
26 UNIFIED SCHOOL DISTRICT, by and through their attorneys of record, Stubbs &
27 Leone, do hereby stipulate as follows:
28

STIPULATION AND [PROPOSED] ORDER REGARDING PLAINTIFF RAMONA EAGLESMITH'S
CLAIMS FOR EMOTIONAL DISTRESS

1 1. Plaintiff herein is not making any claims for mental and emotional distress
2 beyond “garden-variety” stress which is defined in Fitzgerald v. Cassil (N.D. Cal. 2003)
3 216 F.R.D. 632, 637 as “ordinary or commonplace emotional distress,” that which is
4 “simple or usual.”

5 2. Plaintiff will not introduce any expert testimony regarding the issue of
6 mental and emotional distress at trial in support of any claim for damages.

7 **IT IS HEREBY STIPULATED:**

8
9 Date: April 2, 2012

SIEGEL & YEE

10 /s/
11 DAN SIEGEL, ESQ.
12 PETER HABERFELD, ESQ.
13 Attorneys for Plaintiffs
14 JERALD CLINTON (J.C.)EAGLESMITH,
15 RAMONA EAGLESMITH, EILEEN COX, and
16 BRUCE BARNES

17
18 Date: April 2, 2012

STUBBS & LEONE

19 /s/
20 KATHLEEN DARMAGNAC, ESQ.
21 BRIAN DUUS, ESQ.
22 Attorney for Defendants
23 JEFF RAY, as an individual, SUE SEGURA, as
24 an individual, and BOARD OF TRUSTEES OF
25 PLUMAS COUNTY OFFICE OF
26 EDUCATION/PLUMAS COUNTY UNIFIED
27 SCHOOL DISTRICT

28 **IT IS SO ORDERED:**

Dated: 4/3/2012

/s/ John A. Mendez
U. S. DISTRICT COURT JUDGE