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Defendant Andrew Jensen
8

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12
13 **Reverge Anselmo and Seven Hills Land and**
14 **Cattle Company, LLC,**

15 Plaintiffs,

16 v.

17 **The County of Shasta, California, and Russ**
18 **Mull,**

19 Defendants,
20

21 **Reverge Anselmo and Seven Hills Land and**
22 **Cattle Company, LLC,**

23 Plaintiffs,

24 v.

25 **Russ Mull, Leslie Morgan, a Shasta County**
26 **Assessor-Recorder, County of Shasta, Board**
27 **of Supervisors of the County of Shasta, Les**
28 **Baugh and Glen Hawes,**

Defendants,

2:12-cv-01422-WBS-EFB

**STIPULATION AND [PROPOSED]
ORDER RE HEARING DATE FOR
MOTION TO STRIKE IN LIGHT OF
FILING ERROR**

1 **County of Shasta, and County of Shasta, for**
2 **the People of the State of California, Cross-**
3 **Complainant,**

4 Cross-Complainant,

5 **v.**

6 **Reverge Anselmo; Seven Hills Land and**
7 **Cattle company LLC; Nancy Haley,**
8 **Matthew Rabe, Matthew Kelley, Andres**
9 **Jensen; and Does 1 thru 50,**

10 Cross-Defendants,

11 IT IS HEREBY STIPULATED by and between the County of Shasta and Andrew Jensen,
12 through their respective counsel, as follows:

13 1. Andrew Jensen (Jensen) is Third Party Defendant in Case No. 2:12-cv-01422-WBS-
14 EFB entitled *Anselmo et al. v. County of Shasta, California et al.* (Case No. 1422). Jensen is not a
15 party in Case No. 2:12-cv-00361-WBS-EFB entitled *Anselmo et al. v. Mull et al.* (Case No. 361).

16 2. The County of Shasta (the County) is Defendant and Third Party Plaintiff in Case No.
17 1422 and Defendant in Case No. 361.

18 3. The same judge, the Honorable William B. Shubb, is assigned to Case No. 1422 and
19 Case No. 361.

20 4. On August 3, 2012, Jensen filed a Motion to Strike against the County (the Motion),
21 but mistakenly filed the Motion in Case No. 361. (Case No. 31, Docket No. 26.) Jensen should
22 have filed the Motion in Case No. 1422, not Case No. 361. Jensen is not a party in Case No. 361,
23 but he is listed as a Defendant in the Docket for Case No. 361. The mistaken filing of the Motion
24 was an inadvertent clerical error by Jensen's counsel. The County stipulates and agrees that it is
25 not prejudiced by Jensens' mistaken filing of the Motion in Case No. 361.

26 5. To correct the mistaken filing, Jensen will withdraw the Motion filed in Case No. 361
27 and file it in Case No. 1422 concurrently with the filing of this stipulation in Case No. 1422.

28 6. The County and Jensen stipulate and agree that: (a) the Motion mistakenly filed in
Case No. 361 be deemed properly filed in Case No. 1422 as though timely filed on August 3,

1 2012; (b) the hearing on the Motion proceed as noticed on Tuesday, October 9, 2012, 2:00 p.m.,
2 in Courtroom 5 before the Honorable William B. Shubb; and (c) Jensen be removed from the
3 Court's Docket for Case No. 361 because he is not a party in that case.

4 7. This stipulation is supported by good cause on the grounds that the parties are not
5 prejudiced by proceeding with the hearing on the Motion as originally noticed by Jensen, that the
6 same judge is assigned to Case No. 361 and Case No. 1422, and that proceeding with the Motion
7 as originally noticed promotes judicial economy.

8 Dated: September 24, 2012

Respectfully Submitted,

BEST BEST & KRIEGER LLP

/s/ Christopher M. Pisano

CHRISTOPHER M. PISANO
*Attorneys for Third Party Plaintiff
County of Shasta*

14 Dated: September 24, 2012

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
ALBERTO L. GONZALEZ
Supervising Deputy Attorney General

/s/ John M. Feser Jr.

JOHN M. FESER, JR.
Deputy Attorney General
*Attorneys for Third Party Defendant
Andrew Jensen*

1 **ORDER**

2 Based on the foregoing stipulation, and for good cause appearing, IT IS HEREBY
3 ORDERED that:

4 1. Third Party Defendant Andrew Jensen's Notice of Motion and Motion to Strike Third
5 Party Plaintiff County of Shasta's Third Party Claims (the Motion), mistakenly filed on August 3,
6 2012, in Case No. 2:12-cv-00361-WBS-EFB, is deemed properly filed in Case No. 2:12-cv-
7 01422-WBS-EFB as though timely filed on August 3, 2012.

8 2. The hearing on the Motion shall proceed as noticed by Third Party Defendant
9 Andrew Jensen on Tuesday, October 9, 2012, 2:00 p.m., in Courtroom 5 before this Court.

10 3. Andrew Jensen is not a party in Case No. 2:12-cv-00361-WBS-EFB and shall be
11 removed from the Court's Docket for that case.

12
13 DATED: September 25, 2012

14 

15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE