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12 Lamont Crossley

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

16 LAMONT CROSSLEY,
17 Plaintiff,
18 v.
19 ABE NIAZI, et al.,
20 Defendant.
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Attorneys for Defendants Abraham Niazi,
R.N.; Dr. Richard Parnell Galloway; California
Department of Corrections and Rehabilitation –
General

Case No. 2:12-cv-02180-TLN-CKD (PC)
**JOINT STIPULATION AND ORDER
OF SUBSTITUTION**

1 Plaintiff Lamont Crossley (“Plaintiff”), Defendants Abraham Niazi, R.N. and Dr. Richard
2 P. Galloway (“Defendants”), and the California Department of Corrections and Rehabilitation
3 (“CDCR”), hereby stipulate as follows:

4 1. On August 21, 2012, Plaintiff initiated this action against Defendants seeking
5 relief under 42 U.S.C. Section 1983 and related state law claims for personal physical injuries to
6 Plaintiff’s right hand and events related to complications from a surgery on this hand;

7 2. On August 8, 2017, Plaintiff, Defendants, and CDCR participated in a settlement
8 conference before the Honorable Kendall J. Newman and reached a final and binding agreement
9 to settle their dispute (“August 8, 2017 Settlement Agreement”);

10 3. Plaintiff, Defendants, and CDCR desire to submit to the jurisdiction of the Court
11 for purposes of implementing, interpreting, or enforcing the terms of the August 8, 2017
12 settlement agreement.

13 4. Defendants Niazi and Galloway shall be dismissed with prejudice from this action
14 if, and only if, CDCR is substituted in as a defendant in this action.

15 5. CDCR agrees to be and shall be substituted in as a defendant in this action. CDCR
16 further agrees that it is bound to the August 8, 2017 Settlement Agreement reached before the
17 Honorable Kendall J. Newman.

18 6. Defendants Niazi and Galloway will not seek costs of suit or attorneys’ fees upon
19 entry of an appropriate pleading dismissing them from this lawsuit.

20 7. Defendants Niazi and Galloway further shall not bring any action in any forum
21 against Plaintiff Lamont Crossley, his heirs or assigns, for any claim they may have arising from
22 any incident related to United States District Court Case No. 2:12-cv-2180-LKK-CKD P, entitled
23 *Lamont Crossley v. Abe (Abraham) Niazi R.N. et.al.*, filed in the Eastern District of California.

24 8. Plaintiff shall not seek costs of suit or attorneys’ fees against defendants Niazi and
25 Galloway.

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1 9. CDCR does not and shall not object to being substituted in as defendant for the
2 duration of litigation in this matter or file any legal memoranda challenging jurisdiction, statute of
3 limitations, or other legal theory.

4 **IT IS SO STIPULATED.**

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6 Dated: October 6, 2017

JAMES E. HOUP
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Orrick, Herrington & Sutcliffe LLP

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10 By: /s/ Stephanie Albrecht
STEPHANIE ALBRECHT
Attorneys for Plaintiff
Lamont Crossley

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13 Dated: October 6, 2017

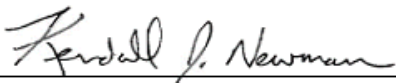
JAMES W. WALTER
Office of the Attorney General

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16 By: /s/ James W. Walter
 (as authorized on October 6, 2017)
JAMES W. WALTER
Attorneys for Defendants
Abraham Niazi, R.N.;
Dr. Richard Parnell Galloway; California
Department of Corrections and
Rehabilitation – General

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21 **ORDER**

22 **IT IS SO ORDERED.**

23 Dated: October 10, 2017

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE