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16 IN THE UNITED STATES DISTRICT COURT

17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 **OLEGS KOZACENKO,**

19 Plaintiff,

20 v.

21 **California Highway Patrol Officer
ANDREW P. MURRILL (Badge #19671);
California Highway Patrol Officer J.
SHERMAN (Badge #11614); California
Highway Patrol Sergeant KEVIN PIERCE;
California Highway Patrol Lieutenant
JOHN ARRABIT; California Patrol
Assistant Chief KENNETH HILL; and
California Highway Patrol Commander
Chief STEPHEN LERWILL,**

22 Defendants.

23 2:12-cv-2196 MCE DAD

24 **STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE AND
VACATING FEBRUARY 8, 2016, JURY
TRIAL**

25 Hon. Morrison C. England, Jr.

26 **THE PARTIES TO THIS ACTION**, by and through their respective attorneys of record,
27 and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby stipulate, in consideration
28 of a negotiated settlement in which no liability is admitted, to the Dismissal With Prejudice of this

1 action, including all claims stated herein against all Defendants, with each party to bear their own
2 attorney's fees and costs. The parties request the Court vacate the jury trial set for February 8,
3 2016.

4 **THEREFORE, IT IS HEREBY STIPULATED AND AGREED** between Plaintiff and
5 Defendants that this action is dismissed with prejudice and that the material allegations of the
6 Second Amended Complaint are withdrawn in full by Plaintiff.

7 **IT IS SO STIPULATED.**

8 Dated: October 20, 2015

KAMALA D. HARRIS
Attorney General of California

9
10 /s/ Alberto L. González
ALBERTO L. GONZÁLEZ
Supervising Deputy Attorney General
11 *Attorneys for Defendants California Highway Patrol*
12 *Officer Andrew P. Murrill; California Highway*
13 *Patrol Officer J. Sherman; California Highway*
14 *Patrol Sergeant Kevin Pierce; California Highway*
15 *Patrol Lieutenant John Arrabit; California Patrol*
16 *Assistant Chief Kenneth Hill; and California*
17 *Highway Patrol Commander Chief Stephen Lerwill*

15 Dated: October 20, 2015

DONALD W. COOK, Attorney at Law

16
17 By: /s/ Donald W. Cook
DONALD W. COOK
18 *Attorney for Plaintiff*

19 **ORDER**

20 The stipulation is approved. The entire action, including all claims and counterclaims
21 stated herein against all Defendants, is hereby dismissed with prejudice. The jury trial set for
22 February 8, 2016, is hereby vacated. The matter having been concluded in its entirety, the Clerk
23 of Court is directed to close the file.

24 **IT IS SO ORDERED.**

25 **DATED: October 22, 2015**

26 
MORRISON C. ENGLAND, JR., CHIEF JUDGE
27 UNITED STATES DISTRICT COURT
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