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Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

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MICHAEL GRESS, Plaintiff, vs. Dr. CHRISTOPHER SMITH, et al., Defendants.	Case No. 2:13-CV-00328-TLN-KJN **JOINT STIPULATION FOR VOLUNTARY DISMISSAL OF DEFENDANTS LAWRENCE FONG AND LEONARD HEFFNER FROM ACTION PURSUANT TO RULE 41(a)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

In light of information obtained during discovery, Plaintiff Michael Gress, by and through his respective counsel of record, hereby requests dismissal of only Defendant Lawrence Fong and Defendant Leonard Heffner without prejudice. Defendant Fong and Defendant Heffner by and through their counsel of record, hereby both stipulate to Plaintiff's request. Defendants have agreed to waive all of their respective fees and costs in exchange for their dismissal.

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Accordingly, the Parties hereby Stipulate and Agree that Defendant Fong and Defendant Heffner be dismissed without prejudice and for waiver of fees and cost for Defendant Fong and Defendant Heffner, pursuant to Federal Rule of Civil Procedure 41.

Dated: May 17, 2016 **DAUGHERTY & DAUGHERTY**

By:/s/ Ryan M. Daugherty

RYAN M. DAUGHERTY
Attorney for Plaintiff
Michael Gress

Dated: May 17, 2016 **ATTORNEY GENERAL'S OFFICE**

By:/s/ Kevin Reager

KEVIN REAGER
Attorney for Defendants

ORDER

Pursuant to the Joint Stipulation submitted by Plaintiff Michael Gress and Defendant Lawrence Fong and Defendant Leonard Heffner, wherein the parties stipulate and agree that Defendant Fong and Defendant Heffner be dismissed from this action without prejudice in exchange for a waiver of fees and costs and good cause appearing:

IT IS HEREBY ORDERED that Defendant Fong and Defendant Heffner are dismissed from this action without prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: May 18, 2016

Kendall J. Newman

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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