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9 Attorneys for Defendants
10 THE COUNTY OF NEVADA (erroneously sued as NEVADA COUNTY SHERIFF'S
11 DEPARTMENT, a public entity) AND KEITH ROYAL

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18 Attorney for Plaintiffs
19 YVONEE EVANS AND WILLIAM EVANS

20 **UNITED STATES DISTRICT COURT**
21 **EASTERN DISTRICT OF CALIFORNIA**

22 YVONEE EVANS AND WILLIAM CASE NO. 2:13-cv-01775-TLN-DAD
23 EVANS

STIPULATION OF DISMISSAL; ORDER

24 Plaintiffs,

25 v.

26 NEVADA COUNTY SHERIFF'S
27 DEPARTMENT, a public entity, KEITH
28 ROYAL, an individual, and DOES 1 through
20, inclusive,

Defendants

Complaint Filed: August 24, 2013

Pursuant to Federal Rules of Civil Procedure, rule 41(a)(1)(A)(ii), an action may be dismissed at any time "by filing a stipulation of dismissal signed by all parties who have

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appeared.” A stipulation to dismiss is effective without court action to terminate a case (*Id.*)

Plaintiff filed a complaint on August 24, 2013. In response, Defendants filed a Motion to Dismiss on April 14, 2014. Plaintiff then filed Amended Complaint on May 5, 2014. Defendants Moved to Dismiss the Amended Complaint on June 19, 2014. The court granted Defendants’ Motion to Dismiss in part, with respect to the First and Fourth Amendment claims against both the County and the individual defendants. The time to amend since passed. With the dismissal of the First and Fourth Amendment claims, the only remaining claim is a state law claim alleging violation of the FEHA. No federal claims remain at issue, and accordingly, the parties have jointly decided to voluntarily dismiss the case in Federal Court, and instead file the state law claim in state court.

In accordance with this the parties agree as follows:

- 1) To dismiss the above captioned case without prejudice;
- 2) Plaintiff will have 30 days from dismissal of this action to file the remaining claim in state court, during which time Defendant agrees that any limitations period will be tolled.

Dated: February 6, 2015

LAW OFFICES OF KERRY S SCHAFFER

By _____/s/_____
Kerry Schaffer
Attorney for Plaintiffs
WILLIAM EVANS AND
YVONNE EVANS

Dated: February 6, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

By _____/s/_____
Carl Fessenden
Ariana Van Alstine
Attorneys for Defendants
THE COUNTY OF NEVADA
AND KEITH ROYAL

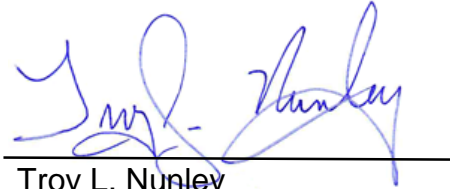
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ORDER

IT IS SO ORDERED:

Dated: February 9, 2015



Troy L. Nunley
United States District Judge