

1 **P O R T E R | S C O T T**
 2 A PROFESSIONAL CORPORATION
 3 John R. Whitefleet, SBN 213301
 4 Drew M. Tate, SBN 312219
 5 350 University Avenue, Suite 200
 6 Sacramento, California 95825
 7 TEL: 916.929.1481
 8 FAX: 916.927.3706

9 Attorneys for Defendant COUNTY OF SACRAMENTO (erroneously sued as "SACRAMENTO COUNTY
 10 SHERIFF'S DEPARTMENT")

11 Frank Lee Dearwester
 12 AP-09119
 13 HIGH DESERT STATE PRISON
 14 P.O. Box 3030
 15 Susanville, CA 96127-3030

16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**

18 FRANK LEE DEARWESTER,	Case No.: 2:13-CV-02064-MCE-DB
19 Plaintiff,	STIPULATION AND ORDER FOR
20 vs.	DISMISSAL OF THE COUNTY OF
	SACRAMENTO
21 COUNTY OF SACRAMENTO,	Complaint Filed: 10/14/13
22 Defendant.	

23 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff FRANK LEE
 24 DEARWESTER, and Defendant COUNTY OF SACRAMENTO (erroneously sued as
 25 "SACRAMENTO COUNTY SHERIFF'S DEPARTMENT"), by and through their undersigned
 26 Counsel, that all of the claims by Plaintiff FRANK LEE DEARWESTER alleged against Defendant be
 27 dismissed, with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure,
 28 each party to bear their own attorney's fees and costs.

29 **IT IS SO STIPULATED.**

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1 Date: September 25, 2017

PORTER SCOTT
A PROFESSIONAL CORPORATION

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3 By: /s/John Whitefleet
John R. Whitefleet
4 Drew M. Tate
5 Attorneys for Defendant
SACRAMENTO COUNTY
6

7 Date: October 10, 2017

8 By: /s/Frank Lee Dearwester (As authorized on 10/10/17)
9 Frank Lee Dearwester
10


11 **ORDER**

12 Pursuant to the stipulation of the parties and Rule 41(a)(1)(A)(ii), all claims by Plaintiff
13 FRANK LEE DEARWESTER alleged against Defendant are hereby DISMISSED, with prejudice,
14 each party to bear their own attorney's fees and costs.

15 The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: January 16, 2018

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19 MORRISON C. ENGLAND, JR.
20 UNITED STATES DISTRICT JUDGE
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3 **Case Name: Dearwester v. Sacramento County Sheriff's Department**
4 **Case No.: 2:13-CV-02064-MCE-DB**

5 **DECLARATION OF SERVICE**

6 I am a resident of the United States and am employed in the County of Sacramento, California.
7 I am over the age of eighteen years and not a party to the within above-entitled action. My business
8 address is 350 University Avenue, Suite 200, Sacramento, California.

9 On the date below, I served the following: **STIPULATION AND [PROPOSED] ORDER
10 FOR DISMISSAL OF THE COUNTY OF SACRAMENTO** on all parties in the said action as
11 addressed below by causing a true copy thereof to be served:

12 X **BY MAIL:** I am familiar with this firm's practice whereby the mail, after being placed in a
13 designated area, is given the appropriate postage and is deposited in a U. S. mailbox in the City of
14 Sacramento, California, after the close of the day's business.

15 _____ **BY PERSONAL SERVICE:** I caused such document to be delivered by hand to the office of
16 the person(s) listed below.

17 _____ **BY OVERNIGHT DELIVERY:** I caused such document to be delivered by overnight
18 delivery to the office of the person(s) listed below.

19 _____ **BY FACSIMILE:** I caused such document to be transmitted by facsimile machine to the
20 office of the person(s) listed below.

21 Addressed as follows:

22 **Plaintiff in Pro Per:**

23 Frank Lee Dearwester

24 AP9119

25 HIGH DESERT STATE PRISON

26 P.O. Box 3030

27 Susanville, CA 96127-3030

28 I declare under penalty of perjury that foregoing is true and correct under the laws of the State
of California. Executed on this January 5, 2018, in Sacramento, California.

 /s/ Sean Chaffin
SeanChaff