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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DREW GARDNER,  
Plaintiff,  
-vs-  
CALIFORNIA HIGHWAY  
PATROL, et al.,  
Defendants

NO. 2:14-CV-02730-JAM-CMK

**VOLUNTARY JOINT  
STIPULATION FOR  
DISMISSAL OF SIXTH  
CAUSE OF ACTION FOR  
MALICIOUS PROSECUTION  
AND ORDER THEREON**

Complaint filed: 10-17-14

Trial date: N/A

Pursuant to the provisions of F.R.C.P. Rule 41, counsel for Plaintiff DREW

Gardner v. California Highway Patrol, et al., #2:14-cv-02730-JAM-CMK—Voluntary Joint Stipulation for Dismissal of Sixth Cause of Action, etc.; Order -1-

1 GARDNER and counsel for Defendants CALIFORNIA HIGHWAY PATROL and  
2 OFFICE FISCHER, hereby stipulate to the dismissal of the Sixth Cause of Action  
3 of the Third Amended Complaint against Defendants CALIFORNIA HIGHWAY  
4 PATROL and OFFICER FISCHER. Said parties respectfully request that this  
5 Court issue an Order of dismissal of said cause of action as to said Defendants.

6 DATED: November 10, 2015  
7

8 /s/  
9 CATHERINE BURNS  
10 Attorney for Plaintiff DREW GARDNER

11 DATED: November 10, 2015  
12

13 /s/  
14 CATHERINE WOODBRIDGE GUESS  
15 Attorney for Defendants CALIFORNIA  
16 HIGHWAY PATROL and OFFICER  
17 FISCHER  
18  
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## ORDER DISMISSING SIXTH CAUSE OF ACTION

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the Sixth Cause of Action for malicious prosecution in the Third Amended Complaint filed by Plaintiff DREW GARDNER against Defendants CALIFORNIA HIGHWAY PATROL and OFFICER FISCHER is hereby dismissed.

DATED: 11/10/2015

/s/ John A. Mendez  
JUDGE OF THE UNITED STATES  
UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT OF CALIFORNIA

**PROOF OF SERVICE**

Pursuant to Rule 5(b), *Federal Rules of Civil Procedure*, I hereby declare

Gardner v. California Highway Patrol, et al., #2:14-cv-02730-JAM-CMK—Voluntary Joint Stipulation for Dismissal of Sixth Cause of Action, etc.; Order -3-

1 that I am employed by the law office of Berg & Associates, at 5000 Bechelli  
2 Lane, Suite 201, Redding, in the County of Shasta, State of California, and  
over the age of 18 years and not a party to the above-referenced action.

3 On this 10<sup>th</sup> day of November, 2015, I caused to be served on all interested  
4 parties, through their respective attorneys of record, in the above-referenced  
matter, a true and correct copy of the following document:

5 VOLUNTARY JOINT STIPULATION FOR DISMISSAL OF SIXTH CAUSE OF ACTION FOR  
6 MALICIOUS PROSECUTION AND ORDER

7 x by U.S. Mail by depositing same, in a sealed envelope upon which first  
8 class postage was fully prepaid, with the United States Postal Service, at  
Redding, California, addressed as follows:

9 \_\_\_\_\_ by electronic service based on a court order or an agreement of the parties  
10 to accept service by electronic transmission, I caused the documents to  
be sent to the persons at the electronic notification addresses listed on the  
service list below:

11 CATHERINE WOODBRIDGE GUESS  
12 Deputy Attorney General  
13 P. O. Box 944255  
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18 Keck Law Offices  
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Santa Rosa, CA 95401  
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20 I declare that I am employed in the office of a member of the Bar of this  
21 Court at whose direction the service was made.

22 Executed this 10<sup>th</sup> day of November, 2015, at Redding, California.

23 /s/ \_\_\_\_\_