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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 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  
Attorney for Plaintiff DREW GARDNER

10  
11 DATED: November 10, 2015

12 /s/  
13 CATHERINE WOODBRIDGE GUESS  
14 Attorney for Defendants CALIFORNIA  
15 HIGHWAY PATROL and OFFICER  
16 FISCHER  
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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.

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

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-

that I am employed by the law office of Berg & Associates, at 5000 Bechelli 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.

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

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

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

\_\_\_\_\_ by electronic service based on a court order or an agreement of the parties 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:

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I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

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

/s/