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6 *Attorneys for Defendants,*  
 LAMMERSVILLE JOINT UNIFIED SCHOOL  
 7 DISTRICT, JAMES YEAGER, DAWN IBBS,  
 KIRK NICHOLAS, and KHUSHWINDER GILL

8  
 9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 ADRIANNA WORMUTH, SCOTT  
 12 WORMUTH and H.W., a minor, by and  
 through his guardians ad litem ADRIANNA  
 13 WORMUTH and SCOTT WORMUTH,

14 Plaintiffs,

15 v.

16 LAMMERSVILLE UNION SCHOOL  
 DISTRICT, JAMES YEAGER, DAWN IBBS,  
 17 TERESA HAUN, KIRK NICHOLAS, and  
 KHUSHWINDER GILL, and DOES 1-30,

18 Defendants.  
 19

Case No. 2:15-CV-01572-KJM-EFB

**STIPULATION AND [~~PROPOSED~~]  
 ORDER DISMISSING CERTAIN  
 CLAIMS**

20 Plaintiffs ADRIANNA WORMUTH, SCOTT WORMUTH and H.W., a minor, by and  
 21 through his guardians ad litem ADRIANNA WORMUTH and SCOTT WORMUTH  
 22 (“Plaintiffs”), and Defendants LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT,  
 23 JAMES YEAGER, DAWN IBBS, KIRK NICHOLAS, and KHUSHWINDER GILL  
 24 (“Defendants”), pursuant to Fed. R. Civ. P. 41(a), hereby stipulate that:

25 1. Plaintiffs’ sixth claim for intentional infliction of emotional distress against all  
 26 Defendants should be dismissed with prejudice, with said parties to bear their own costs,  
 27 attorneys’ fees, and other expenses of litigation,  
 28

1           2.       Plaintiff H.W.’s first claim under 42 U.S.C. § 1983 against Defendants Gill and  
2 Nicholas should be dismissed with prejudice, with said parties to bear their own costs, attorneys’  
3 fees, and other expenses of litigation,

4           3.       Plaintiff H.W.’s fifth claim under the Unruh Act against Defendants Gill and  
5 Nicholas should be dismissed with prejudice, with said parties to bear their own costs, attorneys’  
6 fees, and other expenses of litigation,

7           4.       Plaintiff H.W.’s seventh claim under Education Code § 220 against Defendants  
8 Nicholas, Gill, and Yeager, should be dismissed with prejudice, with said parties to bear their own  
9 costs, attorneys’ fees, and other expenses of litigation, and

10          5.       Plaintiffs’ claim for punitive damages against all Defendants should be dismissed  
11 with prejudice, with said parties to bear their own costs, attorneys’ fees, and other expenses of  
12 litigation.

13 **IT IS SO STIPULATED.**

14  
15 Dated: August 9, 2017

LAW OFFICES OF PETER ALFERT

17 By:                   /s/ Peter Alfert                    
18 Peter Alfert  
19 *Attorney for Plaintiffs,*  
ADRIANNA WORMUTH, SCOTT WORMUTH  
20 and H.W., a minor

21  
22 Dated: August 9, 2017

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

23  
24 By:                   /s/ Stephanie Y Wu                    
25 Stephanie Y. Wu  
26 *Attorney for Defendants,*  
LAMMERSVILLE UNION SCHOOL DISTRICT,  
27 JAMES YEAGER, DAWN IBBS, KIRK  
28 NICHOLAS, and KHUSHWINDER GILL



1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulation of the parties, and good cause appearing, the Court HEREBY  
3 ORDERS that:

4 1. Plaintiffs' sixth claim for intentional infliction of emotional distress against all  
5 Defendants is dismissed with prejudice, with said parties to bear their own costs, attorneys' fees,  
6 and other expenses of litigation,

7 2. Plaintiff H.W.'s first claim under 42 U.S.C. § 1983 against Defendants Gill,  
8 Nicholas, and Ibbs is dismissed with prejudice, with said parties to bear their own costs, attorneys'  
9 fees, and other expenses of litigation,

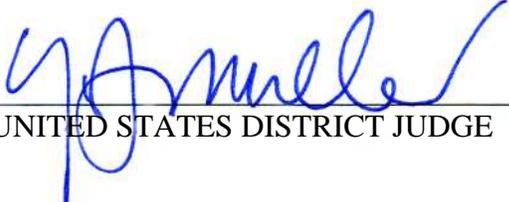
10 3. Plaintiff H.W.'s fifth claim under the Unruh Act against Defendants Gill, Nicholas,  
11 and Ibbs is dismissed with prejudice, with said parties to bear their own costs, attorneys' fees, and  
12 other expenses of litigation,

13 4. Plaintiff H.W.'s seventh claim under Education Code § 220 against Defendants  
14 Nicholas, Gill, Yeager, and Ibbs is dismissed with prejudice, with said parties to bear their own  
15 costs, attorneys' fees, and other expenses of litigation, and

16 5. Plaintiffs' claim for punitive damages against all Defendants is dismissed with  
17 prejudice, with said parties to bear their own costs, attorneys' fees, and other expenses of  
18 litigation.

19 **IT IS SO ORDERED.**

20  
21 DATED: August 14, 2017.

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23 \_\_\_\_\_  
24 UNITED STATES DISTRICT JUDGE  
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