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13 *Department of Toxic Substances Control*

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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION
18

19 **DEV PATEL,**

20 Plaintiff,

21 v.

22
23 **STATE OF CALIFORNIA DEPARTMENT**
OF PUBLIC HEALTH AND
24 **DEPARTMENT OF TOXIC**
SUBSTANCES,

25 Defendant.
26

2:15-cv-02471-KJN

STIPULATION REGARDING
DEFENDANT CALIFORNIA
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL'S WITHDRAWAL OF
DEFENSE OF RELEASE;

ORDER THEREON

Judge: Kendall J. Newman
Action Filed: 11/30/2015

27 Plaintiff Dev Patel ("Plaintiff") and Defendant California Department of Toxic Substances
28 Control ("DTSC"), through their respective counsel of record, hereby stipulate as follows:

1 WHEREAS Plaintiff entered into a Settlement Agreement with Defendant DTSC on
2 November 12, 2014 in connection with his claims against DTSC before the California State
3 Personnel Board;

4 WHEREAS DTSC filed a Motion for Summary Judgment in the present action in which
5 DTSC argued that the Settlement Agreement barred litigation of the present action against DTSC,
6 and the Motion for Summary Judgment was denied; and

7 WHEREAS Plaintiff and DTSC subsequently agreed that DTSC will withdraw its defense
8 of release based on the November 12, 2014 Settlement Agreement.

9 Consequently, Plaintiff and DTSC stipulate and agree as follows: DTSC withdraws its
10 right to pursue the defense of release based on the Settlement Agreement, without prejudice. The
11 parties will not further conduct discovery related to this defense. DTSC will not pursue the
12 defense of release based on the November 12, 2014 Settlement Agreement unless DTSC learns of
13 a substantial change in law or facts. In the event DTSC learns of a change in law or facts
14 warranting DTSC pursuing defense of release based on the November 12, 2014 Settlement
15 Agreement, DTSC agrees to promptly notify Plaintiff's counsel and to cooperate with Plaintiff in
16 connection with Plaintiff's ability to pursue discovery related to that defense.

17 IT IS SO STIPULATED.

18 Dated: May 17, 2017

Respectfully submitted,

19 */s/ Richard M. Rogers*
20 LAW OFFICE OF RICHARD M. ROGERS
21 RICHARD M. ROGERS
22 *Attorneys for Plaintiff Dev Patel*

23 Dated: May 17, 2017

Respectfully submitted,

24 XAVIER BECERRA
25 Attorney General of California
26 JUDITH A. RECCHIO
27 Supervising Deputy Attorney General

28 */s/ Jerry J. Deschler*
JERRY J. DESCHLER
Deputy Attorney General
Attorneys for Defendant

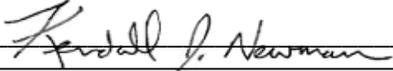
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ORDER

Having reviewed the parties' stipulation, and good cause appearing therefore,
IT IS HEREBY ORDERED THAT:

DTSC's defense of release based on the November 12, 2014 Settlement Agreement is withdrawn, without prejudice. The parties shall not further conduct discovery related to this defense. In the event DTSC learns of a change in law or facts that DTSC believes warrants pursuing such a defense, DTSC shall promptly notify Plaintiff's counsel and cooperate with Plaintiff in connection with Plaintiff's ability to pursue discovery related to that defense.

Dated: May 19, 2017



KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE