

1 RICHARD M. ROGERS, State Bar No. 045843
LAW OFFICE OF RICHARD M. ROGERS
2 100 Bush Street, #1980
San Francisco, CA 94104
3 Telephone: (415) 981-9788
Fax: (415) 981-9788
4 E-mail: RogersRMR@yahoo.com
Attorneys for Plaintiff
5 *Dev Patel*

6 XAVIER BECERRA, State Bar No. 118517
Attorney General of California
7 JUDITH A. RECCHIO, State Bar No. 163060
Supervising Deputy Attorney General
8 JERRY J. DESCHLER, State Bar No. 215691
Deputy Attorney General
9 1300 I Street, Suite 125
P.O. Box 944255
10 Sacramento, CA 94244-2550
Telephone: (916) 323-3830
11 Fax: (916) 324-5567
E-mail: Jerry.Deschler@doj.ca.gov
12 *Attorneys for Defendants*
California Department of Public Health and
13 *Department of Toxic Substances Control*

14
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**
24 **OF PUBLIC HEALTH AND**
25 **DEPARTMENT OF TOXIC**
26 **SUBSTANCES,**

Defendant.

2:15-cv-02471-KJN

**STIPULATION REGARDING
PLAINTIFF DEV PATEL'S DISMISSAL OF
GENDER DISCRIMINATION AND
HARASSMENT CLAIMS;**

ORDER THEREON

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

27 Plaintiff Dev Patel ("Plaintiff") and Defendants California Department of Public Health
28 ("CDPH") and Department of Toxic Substances Control ("DTSC") (CDPH and DTSC are

1 collectively referred to as “Defendants”), through their respective counsel of record, hereby
2 stipulate as follows:

3 WHEREAS Plaintiff alleges gender discrimination against CDPH in his third claim and
4 fourth claim (identified as “Count Three” and “Count Four” at 3:26-4:7 of the Complaint) in his
5 First Amended Complaint for Equitable Relief and Damages (the “Complaint”);

6 WHEREAS Plaintiff alleges national origin, race, and/or gender as a basis for harassment
7 in his seventh claim and eight claim (identified as “Count Seven” and “Count Eight” at 4:16-23
8 of the Complaint) in his Complaint;

9 WHEREAS Plaintiff testified in his deposition that he does not believe any of the conduct
10 he alleges against CDPH or DTSC was because of his gender;

11 WHEREAS Plaintiff and Defendants agreed through counsel that Plaintiff will dismiss his
12 gender discrimination and harassment claims without prejudice, unless Defendants attempt to
13 assert as a defense that gender was a motive in their actions toward Plaintiff; and

14 WHEREAS Defendants will not assert as a defense that gender was a motive in their
15 actions toward Plaintiff.

16 Consequently, Plaintiff and Defendants stipulate and agree as follows: Plaintiff dismisses
17 and withdraws his right to pursue his third claim and fourth claim for gender discrimination
18 against Defendants. Plaintiff dismisses and withdraws his right to pursue a claim of gender
19 harassment against Defendants. Plaintiff’s dismissal is without prejudice, and Plaintiff wishes to
20 retain the right to pursue gender discrimination and/or gender harassment claims if Defendants
21 assert that gender was a motive in their actions toward Plaintiff. Defendants will not assert as a or
22 suggest, by argument, questioning, or testimony, that gender was a motive in their actions toward
23 Plaintiff.

24 IT IS SO STIPULATED.
25
26
27
28

1 Dated: January 10, 2018

Respectfully submitted,

2
3 /s/ *Richard M. Rogers*
LAW OFFICE OF RICHARD M. ROGERS
RICHARD M. ROGERS
4 *Attorneys for Plaintiff Dev Patel*

5 Dated: January 10, 2018

Respectfully submitted,

6 XAVIER BECERRA
7 Attorney General of California
8 JUDITH A. RECCHIO
Supervising Deputy Attorney General

9 /s/ *Jerry J. Deschler*
10 JERRY J. DESCHLER
Deputy Attorney General
11 *Attorneys for Defendants California*
Department of Public Health and
12 *Department of Toxic Substances Control*


13 **ORDER**

14 Having reviewed the parties' stipulation, and good cause appearing therefore,

15 IT IS HEREBY ORDERED:

16 Plaintiff's third claim and fourth claim for gender discrimination are dismissed, without
17 prejudice. Plaintiff's seventh claim and eighth claim for harassment are dismissed as to gender
18 only, without prejudice. Plaintiff is still pursuing his seventh claim and eighth claim for national
19 origin and/or race harassment. Plaintiff retains the right to pursue gender discrimination and/or
20 gender harassment claims if Defendants assert that gender was a motive in their actions toward
21 Plaintiff. Defendants will not assert as a defense that gender was a motive in their actions toward
22 Plaintiff.

23 Dated: January 16, 2018

24 
25 _____
KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE

26 SA2015106057
27 12690080.doc