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5 Attorneys for AUTOTEK, INC. and
 CHRISTOPHER LULL, Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 AUTOTEK, INC. and
 CHRISTOPHER LULL,

12 Plaintiffs,

13 v.

14 COUNTY OF SACRAMENTO; SACRAMENTO
 15 MUNICIPAL UTILITY DISTRICT; et al

16 Defendants.

Case No. 2:16-cv-01093-KJM-CKD

STIPULATION BETWEEN
 PLAINTIFF AND COUNTY
 DEFENDANTS RE: DISMISSAL OF
 CERTAIN CLAIMS AND
 DEFENDANTS FROM THE SECOND
 AMENDED COMPLAINT

18 WHEREAS the Court's order of July 25, 2017 (Doc. 31), granted the County
 19 Defendants' motion to dismiss the First Amended Complaint, but allowed Plaintiffs leave
 20 to amend their claims for First Amendment retaliation, intentional infliction of emotional
 21 distress, and negligent infliction of emotional distress;

22 WHEREAS Plaintiffs timely filed a Second Amended Complaint on September 8,
 23 2017 (Doc. 35);

24 WHEREAS Defendants' response to the Second Amended Complaint is due on
 25 October 13, 2017 (Doc. 39);

1 WHEREAS, Cris C. Vaughan, Vaughan & Associates, counsel for Plaintiffs, and
2 Wendy Motooka, Cregger & Chalfant, LLP, counsel for the County of Sacramento
3 Defendants, met and conferred about the County Defendants' proposed motion to
4 dismiss and motion to strike the Second Amended Complaint;

5 WHEREAS Plaintiffs and the County Defendants agreed that the Second
6 Amended Complaint's addition of new causes of action and new County employee
7 defendants is outside the scope of the leave to amend granted; and

8 WHEREAS the parties' agreement on this point resolves all issues to be raised
9 by the County Defendants' proposed motion to strike;

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11 THEREFORE, the parties, by and through their counsel of record, hereby
12 stipulate as follows:

13 1. Defendants Manuel Mejia, Robert Logsdon, and Ben Green shall be
14 dismissed without prejudice from the Second Amended Complaint;

15 2. Count Nine of the Second Amended Complaint (Bane Act) shall be
16 dismissed without prejudice;

17 3. Count Twelve of the Second Amended Complaint (First Amendment Right
18 of Access to the Court) shall be dismissed without prejudice.

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1 IT IS SO STIPULATED.

2 Dated: October 11, 2017

VAUGHAN & ASSOCIATES

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/s/ Cris C. Vaughan

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CRIS C. VAUGHAN
Attorneys for Plaintiffs Autotek, Inc.
and Christopher Lull

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6 Dated: October 11, 2017

CREGGER & CHALFANT LLP

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/s/ Wendy Motooka

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WENDY MOTOOKA, SBN 233589
Attorneys for Defendants County of
Sacramento, Lori Moss, Leighann Moffitt, Brian
Washko, Robin Rasmussen, Bob Ivie, John
Muzinich, Scott Purvis, Russ Williams, Wayne
Eastman, June Powells-Mays, Tammy Derby,
Paul Munoz, Cyndi Lee, Florence Evans and
Jared Wickliff

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ORDER

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14 After considering the Stipulation by and between Plaintiffs and the County of
15 Sacramento Defendants through their counsel of record, IT IS HEREBY ORDERED
16 THAT:

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- 1. Manual Mejia, Robert Logsdon, and Ben Green are dismissed as defendants, without prejudice, from the Second Amended Complaint;
- 2. Count Nine of the Second Amended Complaint (Bane Act) is dismissed without prejudice; and
- 3. Count Twelve of the Second Amended Complaint (First Amendment Right of Access to the Court) is dismissed without prejudice.

IT IS SO ORDERED.

Dated: October 11, 2017.


UNITED STATES DISTRICT JUDGE