

1 STEVEN S. KAUFHOLD (SBN 157195) skaufhold@akingump.com
 2 CHAD A. STEGEMAN (SBN 225745) cstegeman@akingump.com
 3 TERESA WANG (SBN 252961) twang@akingump.com
 4 Akin Gump Strauss Hauer & Feld LLP
 5 580 California, 15th Floor
 6 San Francisco, California 94104-1036
 7 Telephone: 415-765-9500
 8 Facsimile: 415-765-9501

9 Attorneys for Republican Assembly and Senate
 10 Intervenors

11 IN THE UNITED STATES DISTRICT COURTS
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13 AND THE NORTHERN DISTRICT OF CALIFORNIA
 14 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
 15 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

16 RALPH COLEMAN, et al.,
 17 Plaintiffs,
 18 vs.
 19 ARNOLD SCHWARZENEGGER, et al.,
 20 Defendants.

Case No.: CIV S-90-0520 LKK JFM P
THREE-JUDGE COURT

21 MARCIANO PLATA, et al.,
 22 Plaintiffs,
 23 vs.
 24 ARNOLD SCHWARZENEGGER, et al.,
 25 Defendants.

Case No.: C01-1351 TEH
THREE-JUDGE COURT
**STIPULATION OF PARTIES AND
~~PROPOSED~~ ORDER DISMISSING JEFF
 DENHAM, GREG AGHAZARIAN, ALAN
 NAKANISHI AND GEORGE PLESCIA
 AS INTERVENORS**

1 1. This Court granted Senator Jeff Denham and Assemblymen Greg
2 Aghazarian, Alan Nakanishi, and George Plescia intervening party status
3 for purposes of opposing the issuance of a prisoner release order under
4 consideration by this Three-Judge Court pursuant to the Prison Litigation
5 Reform Act, 18 U.S.C. 3626 *et seq.*; and,

6 2. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
7 Nakanishi, and Assemblyman George Plescia have evaluated whether their
8 continued participation as Legislator Intervenors is necessary given the
9 current posture of the case and the participation of numerous other
10 Legislator Intervenors.

11 3. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
12 Nakanishi, and Assemblyman George Plescia, through their counsel, have
13 contacted legal counsel for Plaintiffs, Defendants, and Intervenor
14 representatives as of February 27, 2009, to obtain consent to their
15 withdrawal; and,

16 4. Plaintiffs, Defendants and Intervenor representatives have stipulated to
17 dismissing Senator Denham, Assemblyman Greg Aghazarian,
18 Assemblyman Alan Nakanishi, and Assemblyman George Plescia as
19 intervenors in the proceedings now before this Three-Judge Court; and,

20 5. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
21 Nakanishi, and Assemblyman George Plescia request this Three-Judge
22 Court order them dismissed, with prejudice, as intervenors in CIV 5-90-
23 0520 LKK JFM P and No. C01-1341 TEH, as those cases are now pending
24 before this Three-Judge Court.

25 IT IS SO STIPULATED.
26
27
28

1	Dated: February 27, 2009	AKIN GUMP STRAUSS HAUER & FELD LLP
2		
3		By: <u> /s/ </u>
4		CHAD STEGEMAN Attorneys for Assembly and Senate Republican Intervenors
5		
6	Dated: February 27, 2009	By: <u> /s/ </u>
7		ANNE L. KECK Deputy County Counsel Attorney for Sonoma County Intervenors
8		
9	Dated: February 27, 2009	By: <u> /s/ </u>
10		THERESA J. FUENTES Deputy County Counsel Attorneys for County Intervenors
11	Dated: February 27, 2009	By: <u> /s/ </u>
12		WILLIAM MITCHELL Assistant District Attorney Attorneys for District Attorney Intervenors
13		
14	Dated: February 27, 2009	By: <u> /s/ </u>
15		KIMBERLY HALL-BARLOW Attorneys for Sheriff Intervenors, Probation Intervenors, and Chief of Correction Intervenors
16		
17	Dated: February 27, 2009	By: <u> /s/ </u>
18		NATALIE LEONARD Attorneys for Intervenor California Correctional Peace Officer's Association
19		
20	Dated: February 27, 2009	By: <u> /s/ </u>
21		MICHAEL BIEN Attorneys for <i>Coleman</i> Plaintiffs
22	Dated: February 27, 2009	By: <u> /s/ </u>
23		DONALD SPECTER Attorneys for <i>Plata</i> Plaintiffs
24	Dated: February 27, 2009	By: <u> /s/ </u>
25		LISA TILLMAN Deputy Attorney General Attorney for <i>Coleman</i> Defendants
26	Dated: February 27, 2009	By: <u> /s/ </u>
27		PAUL MELLO Attorney for <i>Plata</i> Defendants
28		

1 I declare under penalty of perjury under the laws of the State of California, and
2 pursuant to General Order 45(x)(B), that I obtained approval of this Stipulation from
3 each signatory listed above. Executed on this 27th day of February, 2009 at San
4 Francisco, California.

5
6 Dated: February 27, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

7 By: /s/

8 CHAD STEGEMAN
9 Attorneys for Assembly and Senate
10 Republican Intervenors

11 Pursuant to Stipulation, Legislator Intervenors Jeff Denham, Greg Aghazarian,
12 Alan Nakanishi, and George Plescia are dismissed from CIV 5-90-0520 LKK JFM P
13 and No. C01-1341 TEH with prejudice.

14
15 **IT IS SO ORDERED.**

16
17 Dated: 03/04/09

 /s/

18 STEPHEN REINHARDT
19 UNITED STATES CIRCUIT JUDGE
20 NINTH CIRCUIT COURT OF APPEALS

21 Dated: 03/04/09

 /s/

22 LAWRENCE K. KARLTON
23 UNITED STATES DISTRICT JUDGE
24 EASTERN DISTRICT OF CALIFORNIA

25 Dated: 03/04/09



26 THELTON E. HENDERSON
27 UNITED STATES DISTRICT JUDGE
28 NORTHERN DISTRICT OF CALIFORNIA