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1	EDMUND G. BROWN JR		
2	Attorney General of the State of California MIGUEL A. NERI FIEL D. TIGNO Supervising Deputy Attorneys General DAVID A. CARRILLO, State Bar No. 177856 MICHAEL D. GOWE, State Bar No. 226989		
3			
4			
5	Deputy Attorneys General 1515 Clay Street, 20 <sup>th</sup> Floo Oakland CA 94612-0550	or — P.O. Box 70550	
6	Tel: (510) 622-2215		
7	Fax: (510) 622-2121 Email: fiel.tigno@doj.ca.	gov	
8	davida.carrillo@do michael.gowe@do	oj.ca.gov oj.ca.gov	
9	Attorneys for Defendants		
10	IN	THE UNITED STATES DISTRICT COURT	
11	FOR T	THE NORTHERN DISTRICT OF CALIFORNIA	
12	SAN FRANCISCO DIVISION		
13	PATRICK M. McCOLLU	M at al	Case No. C04-3339 CRB
14		intiffs,	STIPULATION TO DISMISS CERTAIN INDIVIDUAL CAPACITY
15	V.	ilitiiis,	DEFENDANTS
16	ν.		
17	CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,		
18			
19	\(\lambda\)	ondants.	
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## TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

TAKE NOTICE THAT the undersigned counsel of record for plaintiffs and defendants hereby stipulate and request that the Court enter the following order forthwith:

All defendants sued in this action in their individual capacities, with the exception of Sabrina Johnson and Barry Smith (as to both plaintiff McCollum and the inmate plaintiffs) and Protestant Chaplain Stewart (as to the inmate plaintiffs only), hereby are DISMISSED with prejudice from this action. Parties sued in their official capacities are unaffected by this order. No party will be liable for any other party's attorneys' fees or costs of suit by reason of this dismissal. No party will be considered a prevailing party by reason of this dismissal.

Dated: October \_\_\_\_\_\_\_, 2008

David C. Kiernan, Esq. Attorneys for Plaintiffs

Dated: October \_\_\_\_\_, 2008

David A. Carrillo, Deputy Attorney General Attorneys for Defendants

Based on the agreement of the parties, and good cause appearing, it is SO ORDERED.

Dated: October \_31 \_\_\_\_\_, 2008



