

1 COUNSEL LISTED ON SIGNATURE PAGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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AMERICAN COUNCIL OF THE BLIND, a) Case No. C 05-04696 WHA
District of Columbia non-profit corporation,)
11 TAMMY RENEE COOPER, SCARLETT) **CLASS ACTION**
12 MILES, MARVELENA QUESADA, ARLENE)
13 DOHERTY, ALICE MARJORIE DONOVAN,) **STIPULATION TO WITHDRAW**
BILLIE JEAN KEITH, GEORGE P. SMITH,) **PLAINTIFFS TAMMY RENEE COOPER**
14 DOROTHY JACKSON, MARY ANN) **AND DOROTHY JACKSON AS NAMED**
ALEXANDER, AND LAURA M. RUSSELL on) **PLAINTIFFS AND CLASS**
15 behalf of themselves and all others similarly) **REPRESENTATIVES AND ~~PROPOSED~~**
16 situated,) **ORDER**— **ORDER**

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Plaintiffs,

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vs.

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MICHAEL ASTRUE, Commissioner of the)
20 Social Security Administration, in his official)
capacity, and SOCIAL SECURITY)
21 ADMINISTRATION,)

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Defendants.

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STIP. RE WITHDRAWING COOPER AND JACKSON AND
~~PROPOSED~~ ORDER
Case No. C 05-04696 WHA

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2 WHEREAS, on September 11, 2008, this Court certified two classes of plaintiffs in this class
3 action lawsuit, including the following class:

4 Individuals with visual impairments that substantially limit the major life activity of
5 seeing who require that materials be in an accessible format in order to participate in the
6 Social Security Administration's Old-Age, Survivors, and Disability Insurance program
7 or the Supplemental Social Security Insurance program as applicants, beneficiaries, or
8 recipients, but not as representative payees with the class representatives being Tammy
9 Renee Cooper, Scarlett Miles, Marvelena Quesada, Arlene Doherty, Alice Marjorie
10 Donovan, Billie Jean Keith, George P. Smith, Dorothy Jackson, Mary Ann Alexander
11 and Laura M. Russell.

12 WHEREAS, American Council of the Blind ("ACB") serves as lead plaintiff in this action;

13 WHEREAS, Plaintiffs have advised Defendants that Tammy Renee Cooper (Ms. Cooper) and
14 Dorothy Jackson (Mrs. Jackson) have determined that they are no longer able to serve as class
15 representatives;

16 WHEREAS, Plaintiffs believe the class will suffer no prejudice from Mrs. Cooper's and Mrs.
17 Jackson's withdrawal because, *inter alia*, ACB continues to serve as lead plaintiff and it and because
18 Plaintiffs believe that the named plaintiffs Scarlett Miles, Marvelena Quesada, Arlene Doherty, Alice
19 Marjorie Donovan, Billie Jean Keith, George P. Smith, Mary Ann Alexander and Laura M. Russell
20 will continue to vigorously represent the class;

21 WHEREAS, Defendants do not at this time contest the ability of the remaining named plaintiffs
22 to fairly and adequately protect the interests of the certified classes under Fed. R. Civ. Pro. 23(a);

23 WHEREAS, Fed. R. Civ. Pro. 21 provides that "[p]arties may be dropped or added by order of
24 the court on motion of any party or of its own initiative at any stage of the action and on such terms as
25 are just;"

26 THEREFORE, the parties, by and through their undersigned counsel of record, hereby stipulate
27 and agree that Tammy Renee Cooper and Dorothy Jackson may be withdrawn as named plaintiffs
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1 without waiving their rights as absent class members of the certified classes.

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3 Dated: February 18, 2009

We agree to the foregoing stipulation:

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5 By: /s/ Ann K. Miller

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COOPER, SCARLETT MILES,
MARVELENA QUESADA, ARLENE
DOHERTY, ALICE MARJORIE
DONOVAN, BILLIE JEAN KEITH,
GEORGE P. SMITH, DOROTHY
JACKSON, MARY ANN
ALEXANDER, AND LAURA M.
RUSSELL on behalf of themselves and
all others similarly situated

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By: /s/ Marsha S. Edney

GREGORY G. KATSAS
Assistant Attorney General

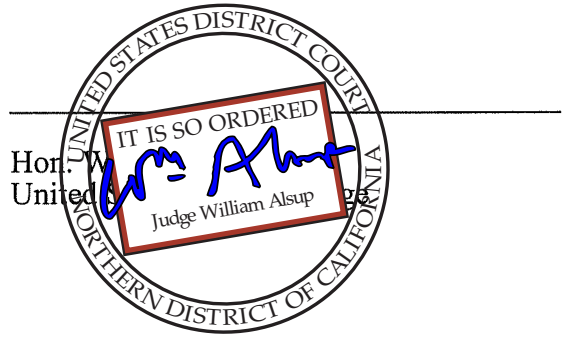
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Attorneys for Defendants
MICHAEL ASTRUE, Commissioner of
the Social Security Administration, in his
official capacity, and SOCIAL
SECURITY ADMINISTRATION

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED. Tammy Renee Cooper is withdrawn as a named plaintiff and class representative without waiving her rights as an absent class member of the putative class and Dorothy Jackson is withdrawn as a named plaintiff and class representative without waiving her rights as an absent class member of the putative class.

Entered: March 4, 2009



1 **SIGNATURE ATTESTATION**

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3 As required by General Order No. 45, § X.B, I hereby attest that concurrence in the filing of the
4 document has been obtained from each of the other signatories to the above Stipulation.

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6 Dated: February 18, 2009

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8
9 _____/s/ Ann K. Miller_____

10 Ann K. Miller

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12
13 *Additional Co-Counsel for Plaintiffs:*

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing Stipulation to Withdraw Plaintiffs Tammy Renee Cooper and Dorothy Jackson as Named Plaintiffs and Class Representatives and the attached Unopposed Motion to Withdraw Plaintiff Tammy Renee Cooper and Plaintiff Dorothy Jackson as Named Plaintiffs and Class Representatives and [Proposed] Order with the United States District Court Clerk, Northern District of California, using the CM/ECF system, which will automatically send e-mail notices to the electronic addresses listed below.

Marsha S. Edney: marsha.edney@usdoj.gov

Scott Risner: scott.risner@usdoj.gov

Daniell Riess: daniel.riess@usdoj.gov

Dated: February 18, 2009

By: /s/ Ann K. Miller

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