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5 Attorneys for Defendants
 6 COUNTY OF SAN MATEO, NEIL CULLEN,
 BRIAN LEE, and DAVID WEIDNER

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 MICHAEL TOSCHI, AND TRACY TOSCHI

Case No. C-07-3625 MMC

12 Plaintiffs,

**STIPULATION OF DISMISSAL
 PURSUANT TO F.R.C.P. 41(a)(1)
 AND ~~(PROPOSED)~~ ORDER DISMISSING
 ACTION AS TO BRIAN LEE AND NEIL
 CULLEN**

13 vs.

14 COUNTY OF SAN MATEO, DON DALLIMONTI,
 15 RHONDA DALLIMONTI, NEIL CULLEN, BRIAN
 LEE, DAVID WEIDNER, and DOES ONE through
 16 FIFTY, inclusive

17 Defendants.

18
 19 IT IS HEREBY STIPULATED by and between the parties to this action, through their designated
 20 counsel, that DEFENDANTS NEIL CULLEN and BRIAN LEE are hereby DISMISSED WITH
 21 PREJUDICE pursuant to FRCP 41(a)(1). Each party will bear their own costs and attorneys' fees.
 22 Counsel for Plaintiffs represents he has authority from Plaintiffs to enter into this Stipulation.

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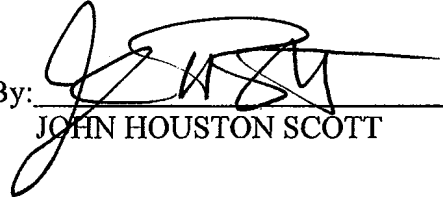
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1 Dated: 10/7/08

2 Respectfully submitted,

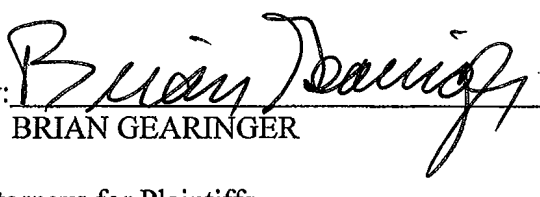
3 SCOTT LAW FIRM

4
5 By: 
6 JOHN HOUSTON SCOTT

Dated: 10/7/08

Respectfully submitted,

GEARINGER LAW GROUP

By: 
BRIAN GEARINGER

Attorneys for Plaintiffs
MICHAEL TOSCHI and TRACY TOSCHI

8
9 Dated: September 4, 2008

10 Respectfully submitted,

11 MICHAEL P. MURPHY, COUNTY COUNSEL

12
13 By: 
14 V. RAYMOND SWOPE III, Deputy

15 Attorneys for Defendants
16 COUNTY OF SAN MATEO, NEIL CULLEN,
17 BRIAN LEE, and DAVID WEIDNER

18 **ORDER**

19 Based upon the foregoing Stipulation for Dismissal pursuant to F.R.C.P. 41(a)(1), and good cause
20 appearing, **IT IS SO ORDERED THAT DEFENDANTS NEIL CULLEN AND BRIAN LEE ARE**
21 **DISMISSED WITH PREJUDICE WITH EACH PARTY TO BEAR ITS OWN COSTS AND**
22 **ATTORNEY'S FEES.**

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24 Dated: October 8, 2008


25 HONORABLE MAXINE M. CHESNEY
26 United States District Judge