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8 Attorneys for Defendants Prison Health Services, Inc.

9 UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

10	JEFFREY GREEN,)	Case No.: CV 10-3915 SI
11)	
12	Plaintiff,)	STIPULATION FOR DISMISSAL OF
13)	CLAIM AGAINST PHS; [PROPOSED]
14	vs.)	ORDER
15)	
16	TIM W. PHILLIPS, CITY OF DUBLIN,)	
17	THE COUNTY OF ALAMED, PRISON)	
18	HEALTH SERVICES, INC. and DOES ONE)	
19	to ONE HUNDRED, inclusive,)	
20	Defendants.)	
21)	
22)	

23 **Stipulation**

24 Defendant Prison Health Services, Inc. (PHS) contends that Plaintiff’s Eighth Claim for
 25 Relief (“*Interference with Civil Rights by Threats, Intimidation or Coercion – California Civil*
 26 *Code Section 52.1*”) is substantively untenable as to it, and that the First Amended Complaint
 27 lacks sufficient allegations to state a cognizable claim Civil Code §52.1 claim against it
 28 regardless. Plaintiff Jeffrey Green lacks evidence sufficient to contend otherwise at this time.
 Plaintiff and PHS thus stipulate to dismissal of that claim as to PHS, without prejudice. (Counsel
 for the other defendants who have appeared in this action have confirmed they have no objection
 to dismissal of that claim as to PHS.)

1 SO STIPULATED:

2 DATED: October 19, 2010

LAW OFFICES OF NANCY E. HUDGINS

3 /s/ Matthew M. Grigg

4 Matthew M. Grigg
5 Attorneys for Defendant Prison Health Services, Inc.

6 DATED: October 19, 2010

GEARINGER LAW GROUP

7 /s/ Brian Gearinger

8 Brian Gearinger
9 Attorneys for Plaintiff Jeffrey Green

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11 **(Proposed Order Follows On Next Page)**
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1 **Order**

2 Pursuant to the stipulation by Plaintiff Jeffrey Green and Defendant Prison Health
3 Services, Inc. (PHS), Plaintiff's Eighth Claim for Relief ("*Interference with Civil Rights by*
4 *Threats, Intimidation or Coercion – California Civil Code Section 52.1*") against PHS is hereby
5 dismissed without prejudice.

6 SO ORDERED this ___ day of October, 2010.

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10 Susan Illston
11 U.S. District Court Judge
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PROOF OF SERVICE

1
2
3 I, Lydia Burton, declare that I am employed in the County of San Francisco, State of
4 California, am over the age of eighteen years, and am not a party to the within action. My business
5 address is 565 Commercial Street, Fourth Floor, San Francisco, California 94111.

6
7 On October 19, 2010, I served the within:

8 **1. STIPULATION FOR DISMISSAL OF CLAIM AGAINST PHS; [PROPOSED]**
9 **ORDER.**

10
11 on the party(ies) to this matter by providing a true and correct copy(ies) of same to:

12 Brian Gearing
13 Gearing Law Group
14 825 Van Ness Avenue, 4th Floor
San Francisco, CA 94109

Gregory Rockwell
Boornazian, Kensen & Garthe
555 12th Street, Ste. 1800
Oakland, CA 94607

15 in the following manner:

16 /X/ BY FIRST-CLASS MAIL. I placed such document in a sealed envelope(s) addressed to that
17 party(ies), with postage fully prepaid for first-class mail, for collection and mailing at San
18 Francisco, California, following ordinary business practices. I am readily familiar with the
19 practice at the Law Offices of Nancy E. Hudgins for the processing of correspondence, i.e.,
in the ordinary course of business, outgoing mail is deposited in the United States mail the
same day as it is placed for processing in our mail room.

20 / / BY FACSIMILE. I caused the said document(s) to be transmitted by facsimile machine to
21 the number indicated after the addressee(s) noted above.

22 I declare under penalty of perjury that the foregoing is true and correct, and that this
23 declaration was executed on October 19, 2010, at San Francisco, California.

24
25 /s/ Lydia Burton
Lydia Burton

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