

1 DAVID B. BAYLESS (Bar No. 189235)
 E-mail: dbayless@cov.com
 2 CLARA J. SHIN (Bar No. 214809)
 E-mail: cshin@cov.com
 3 REBECCA A. JACOBS (Bar No. 294430)
 E-mail: rjacobs@cov.com
 4 COVINGTON & BURLING LLP
 One Front Street, 35th Floor
 5 San Francisco, California 94111-5356
 Telephone: (415) 591-6000
 6 Facsimile: (415) 591-6091

7 Attorneys for Plaintiff
 STEVE CRUMP

8
 9 DONNA R. ZIEGLER (Bar No. 142415)
 County Counsel
 10 JILL SAZAMA (Bar No. 214215)
 Deputy County Counsel
 E-mail: jill.sazama@acgov.org
 11 Office of the County Counsel
 12 1221 Oak Street, Suite 450
 Oakland, California 94612
 Telephone: (510) 272-6700
 13 Facsimile: (510) 272-5020

14 Attorneys for Defendant
 DEPUTY M. GORDON

15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

18 STEVE CRUMP,
 19
 20 Plaintiff,
 21
 22 v.
 23 WARDEN GREGORY AHERN et al,
 24
 25 Defendants.

Civil Case No. C12-04357 EMC

**STIPULATION AND [PROPOSED]
 ORDER REGARDING DEFENDANT
 M. GORDON'S MOTION TO DISMISS
 FIRST AMENDED COMPLAINT**

1 Pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED by and between the
2 parties hereto through their respective attorneys of record, that subject to the Court’s approval,
3 Plaintiff voluntarily dismisses the Second Cause of Action of the First Amended Complaint
4 (Dkt. No. 53); Defendant M. Gordon withdraws his Motion to Dismiss the First Amended
5 Complaint (Dkt. No. 56), which relates to the Second Cause of Action; and the parties will
6 proceed with the balance of the First Amended Complaint intact. This Stipulation is based on
7 the following:

8 1. On September 30, 2014, Plaintiff filed a First Amended Complaint (Dkt. No. 53)
9 with two causes of action.

10 2. On October 14, 2014, Defendant M. Gordon filed a Motion to Dismiss the First
11 Amended Complaint (Dkt. No. 56) (the “Motion”), relating solely to the Second Cause of
12 Action of the First Amended Complaint.

13 3. Plaintiff does not oppose the Motion, and instead hereby voluntarily dismisses
14 the Second Cause of Action, rendering the Motion moot. In response, Defendant M. Gordon
15 hereby withdraws the Motion.

16 4. The parties will proceed with the balance of the First Amended Complaint intact.

17 5. The parties respectfully request that the Court enter an Order approving this
18 Stipulation. In accordance with Civil Local Rule 5-1(i)(3), the filer of this document attests that
19 the concurrence in the filing of this document has been obtained from the other signatory hereto.

20 Respectfully submitted,

21 DATED: November 5, 2014

22 DAVID B. BAYLESS
23 CLARA J. SHIN
24 REBECCA A. JACOBS
25 COVINGTON & BURLING LLP

26 By: /s/ Rebecca A. Jacobs
27 Rebecca A. Jacobs

28 Attorneys for Plaintiff
STEVE CRUMP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: November 5, 2014

DONNA R. ZEIGLER,
County Counsel in and for the County of
Alameda, State of California
JILL SAZAMA
Deputy County Counsel

By: /s/ Jill Sazama
Jill Sazama

Attorneys for Defendant
DEPUTY M. GORDON

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

SIGNED on the 7th day of Nov., 2014.

