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5 IN THE UNITED STATES DISTRICT COURT
6
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 TODD L. ASHKER,

11 Plaintiff,

12 v.

13 MICHAEL C. SAYRE, et al.,

14 Defendants.
15 _____/

No. C 05-03759 CW

ORDER FOR PLAINTIFF
TO FILE OPPOSITION
TO DEFENDANTS'
ARGUMENT THAT
DEFENDANT MCLEAN
SHOULD BE DISMISSED
FROM THIS ACTION

16 This case is scheduled to go to trial on May 11, 2009.
17 Plaintiff's claim for breach of the 2002 settlement agreement is
18 brought against Dr. Michael C. Sayre, Maureen McLean and Matthew
19 Cate, Director of the California Department of Corrections and
20 Rehabilitation (CDCR). Both parties agree that only the breach of
21 contract claim remains against Ms. McLean. Defendants argue that
22 because the CDCR and Plaintiff were the only parties to the 2002
23 settlement agreement, Mr. Cate, director of the CDCR, is the only
24 proper defendant for the contract claim. Thus, Defendants argue
25 that this claim should be dismissed against Dr. Sayre and Ms.
26 McLean.

27 Plaintiff has not responded to this argument. Plaintiff is
28

1 ordered to file his response to this argument within five days from
2 the date of this order. If Plaintiff does not respond within this
3 time frame, the contract claim may be dismissed against Dr. Sayre
4 and Ms. McLean.

5
6 IT IS SO ORDERED.

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8 Dated: 5/1/09



CLAUDIA

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ASHKER,

5 Plaintiff,

6 v.

7 ALAMEIDA ET AL et al,

8 Defendant.
9 _____/

Case Number: CV05-03759 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on May 1, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Todd A. Ashker C58191
16 Pelican Bay State Prison
17 Box 7500
18 D1-119
19 Crescent City, CA 95532

20 Dated: May 1, 2009

21 Richard W. Wieking, Clerk
22 By: Sheilah Cahill, Deputy Clerk
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