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18 Attorneys for Plaintiffs
 19 BRENDA DAVIS and
 20 DAVID ROY

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 23 **UNITED STATES DISTRICT COURT**
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25 BRENDA DAVIS and DAVID ROY,

26 Plaintiffs,

27 v.

28 CALIFORNIA DEPARTMENT OF
 CORRECTIONS et al.,

Defendants.

Case No: 4:08-cv-04481-SBA

**STIPULATION AND PROPOSED
 ORDER DISMISSING DEFENDANT
 TIMOTHY MCCARTHY**

Courtroom: 1, 4th Floor
 Judge: The Honorable Sandra B. Armstrong
 Trial Date: October 28, 2013
 Action Filed: September 4, 2008

TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

PLEASE TAKE NOTICE THAT THE undersigned counsel of record for plaintiffs
 and defendants hereby stipulate and request that the Court enter the following order forthwith:

**STIPULATION AND PROPOSED ORDER DISMISSING DEFENDANT TIMOTHY
 MCCARTHY**

Case No. 4:08-cv-04481-SBA

0000018052H073 PL15

1 Defendant TIMOTHY MCCARTHY is hereby DISMISSED with prejudice from this
2 action. The other parties are unaffected by this order. No party will be liable for any other
3 party's attorneys' fees or costs of suit by reason of this dismissal. No party will be considered a
4 prevailing party by reason of this dismissal.
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6 Respectfully submitted,

7 Dated: September 20th, 2013

EDMUND G. BROWN JR.
Attorney General of California

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10 By: /s/ Karen Kiyo Lowhurst _____
11 Karen Kiyo Lowhurst,
12 Bonnie Chen, Calif SBN 219349
13 Deputy Attorneys General
Attorneys for Defendants CDCR, Mandel, &
McCarthy


14 Dated: September 20th, 2013

HAGLUND KELLEY LLP

15
16 By: /s/ Christopher Lundberg _____
17 Christopher Lundberg, Oregon OSB No. 941084
18 Matthew E. Malsheimer, OSB No. 033847
19 Admitted *Pro Hac Vice*
David Springfield, Calif. SBN 226630
Attorneys for Plaintiff

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21 Based on the agreement of the parties, and good cause appearing, it is **SO ORDERED**.

22
23
24 Dated: 9/20/2013


SAUNDRA B. ARMSTRONG
United States District Judge

25
26
27 **STIPULATION AND [PROPOSED] ORDER DISMISSING DEFENDANT TIMOTHY
MCCARTHY**

28 Case No. 4:08-cv-04481-SBA

0000018052H073 PL15

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 20th day of September, 2013, I served the foregoing
3 Stipulation and [Proposed] Order Dismissing Defendant Timothy McCarthy, on the following:
4

<p>5 Karen Kiyo Lowhurst 6 Bonnie J. Chen 7 Deputy Attorneys General 8 1515 Clay Street, 20th Floor 9 PO Box 70550 Oakland CA 94612-0550</p> <p>Attorneys for Defendants</p>	
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10 by the following indicated method(s):

- 11 by **mailing** a full, true and correct copy thereof in a sealed first-class postage prepaid
12 envelope, addressed to the foregoing attorney(s) at the last known office address of the
13 attorney(s), and deposited with the United States Post Office at Portland, Oregon on the
14 date set forth above.
- 15 by causing a full, true and correct copy thereof to be **hand delivered** to the attorney(s) at
16 the last known address listed above on the date set forth above.
- 17 by sending a full, true and correct copy thereof via **overnight mail** in a sealed, prepaid
18 envelope, addressed to the attorney(s) as shown above on the date set forth above.
- 19 by **faxing** a full, true and correct copy thereof to the attorney(s) at the fax number shown
20 above, which is the last-known fax number for the attorney(s)' office on the date set forth
21 above.
- 22 by transmitting full, true and correct copies thereof to the attorney(s) through the court's
23 Cm/ECF system on the date set forth above.

24 /s/Matthew E. Malmshaimer

25
26
27 **STIPULATION AND [PROPOSED] ORDER DISMISSING DEFENDANT TIMOTHY
28 MCCARTHY**

Case No. 4:08-cv-04481-SBA