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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

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13 **KEVIN MARILLEY, and SALVATORE**  
14 **PAPETTI, on behalf of themselves and**  
15 **similarly situated,**

16 Plaintiffs,

17 **v.**

18 **JOHN McCAMMAN, in his personal and**  
19 **official capacity; DONALD KOCH in his**  
20 **personal and official capacity; RICHARD B.**  
21 **ROGERS, in his personal and official**  
22 **capacity; MICHAEL SUTTON, in his**  
23 **personal and official capacity; DANIEL W.**  
24 **RICHARDS, in his personal and official**  
25 **capacity; and JACK BAYLIS, in his**  
26 **personal and official capacity,**

27 Defendants.

11-CV-2418-DMR

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SUBSTITUTION  
OF DEFENDANT CHARLTON H.  
BONHAM AND DISMISSAL OF  
DEFENDANT KEVIN HUNTING**

Judge: The Honorable Donna Ryu  
Action Filed: May 18, 2011

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29 WHEREAS on May 18, 2011, Plaintiff Kevin Marilley filed the instant action naming, *inter*  
30 *alia*, John McCamman and Kevin Hunting, in both their personal and official capacities, as  
31 defendants;

1 WHEREAS on September 6, 2011, Charlton H. Bonham assumed the role of Director of  
2 the California Department of Fish and Game (“DFG”), replacing John McCamman in that official  
3 capacity;

4 WHEREAS on October 4, 2011, Plaintiffs Kevin Marilley and Salvatore Papetti voluntarily  
5 dismissed all claims against Kevin Hunting without prejudice pursuant to Federal Rule of Civil  
6 Procedure 41(a)(1) (Dkt. No. 40);

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8 THE PARTIES HERBY STIPULATE AND AGREE, IN ACCORDANCE WITH CIVIL  
9 LOCAL RULE 7-12, SUBJECT TO THE COURT’S APPROVAL:

10 1. The parties request that the Clerk reflect the changes described above where it is  
11 appropriate, including in ECF;

12 2. Specifically, the parties request that the Clerk substitute Charlton H. Bonham, in his  
13 official capacity, for John McCamman, in his official capacity, where it is appropriate, including  
14 in ECF, pursuant to Federal Rule of Civil Procedure 25(d);

15 3. The parties further request that the Clerk show Kevin Hunting as dismissed without  
16 prejudice from this lawsuit.

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1 Dated: November 8, 2011

Respectfully submitted,

2 KAMALA D. HARRIS  
3 Attorney General of California  
4 ROBERT W. BYRNE  
5 Supervising Deputy Attorney General

6 /s/ M. Elaine Meckenstock  
7 M. ELAINE MECKENSTOCK  
8 Deputy Attorney General  
9 *Attorneys for All Defendants*

10 Dated: November 8, 2011

GROSS LAW

11 STUART G. GROSS  
12 *Counsel for All Plaintiffs and Putative Class*

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED,

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18 Dated: November 9, 2011

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20 MAGISTRATE JUDGE DONNA RYU