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 11 CHYORNY, M.D.

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18 Attorney for Plaintiff  
 19 ERNEST MUSUMECI

20 UNITED STATES DISTRICT COURT  
 21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 22 (San Jose)

17 ERNEST MUSUMECI,	)	No. C08-04924 RMW
18 Plaintiff,	)	<b>STIPULATION AND ORDER DISMISSING DEFENDANT SHERIFF LAURIE SMITH</b>
19 v.	)	
20 SANTA CLARA COUNTY et al.,	)	
21 Defendants.	)	

22  
 23 The parties, through their respective counsel of record, hereby stipulate and agree to an  
 24 order dismissing with prejudice all of Plaintiff’s claim(s) against Defendant Sheriff Laurie  
 25 Smith as set forth in Plaintiff’s complaint

26 It is further stipulated and agreed that the remaining claims in Plaintiff’s complaint are  
 27 based on alleged violation of 42 U.S.C. section 1983 against Defendants County of Santa Clara  
 28 (“County”), Edward Flores, and Alex Chyorny, M.D., and state-based claims against the County

1 and Alex Chyorny, M.D., for alleged medical negligence, intentional infliction of emotional  
2 distress, battery, and assault.

3 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
4 “conformed” signature ( /S/ ) within this e-filed document.

5 ANN MILLER RAVEL  
6 County Counsel

7 Dated: April 9, 2009

8 By:                                   /S/                                    
9 GREGORY J. SEBASTINELLI  
10 Deputy County Counsel

11 Attorneys for Defendants  
12 COUNTY OF SANTA CLARA, LAURIE  
13 SMITH, EDWARD FLORES, and ALEX  
14 CHYORNY, M.D.

15 Dated: April 8, 2009

16 By:                                   /S/                                    
17 KEITH G. JORDAN

18 Attorney for Plaintiff  
19 ERNEST MUSUMECI

20 **ORDER**

21 IT IS SO ORDERED.

22 Date: 4/21/09

23   
24 RONALD M. WHYTE  
25 United States District Court Judge

26 174795.wpd