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E-FILED - 11/5/09

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNEST MUSUMECI, Plaintiff, v. SANTA CLARA COUNTY et al., Defendants.	No. C08-04924 RMW **STIPULATION AND ORDER DISMISSING CERTAIN CLAIMS**

The parties, through their respective counsel of record, hereby stipulate and agree to an order dismissing with prejudice all of Plaintiff's state-based claims against Defendants County of Santa Clara ("County") and Alex Chyorny, M.D., for alleged medical negligence, intentional infliction of emotional distress, battery, and assault. As a result of this stipulation and order, the County's pending motion for summary judgment on these state-based claims set for hearing on November 13, 2009, may be taken off calendar.

It is further stipulated and agreed that the only remaining claim as set forth in Plaintiff's complaint is one based on alleged violation of 42 U.S.C. section 1983 against the County and Defendants Edward Flores and Alex Chyorny, M.D.

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

Dated: November 3, 2009 By: /S/
KEITH G. JORDAN

Attorneys for Plaintiff
ERNEST MUSUMECI

MIGUEL MÁRQUEZ
Acting County Counsel

Dated: November 3, 2009 By: /S/
GREGORY J. SEBASTINELLI
Deputy County Counsel

Attorneys for Defendants
COUNTY OF SANTA CLARA,
EDWARD FLORES, and ALEX
CHYORNY, M.D.

ORDER

IT IS SO ORDERED.

Date: 11/5/09

RONALD M. WHYTE
United States District Court Judge

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