

1 MIGUEL MÁRQUEZ, Acting County Counsel (S.B. #184621)
 2 GREGORY J. SEBASTINELLI, Deputy County Counsel (S.B. #104884)
 3 OFFICE OF THE COUNTY COUNSEL
 4 70 West Hedding, East Wing, 9th Floor
 5 San Jose, California 95110-1770
 6 Telephone: (408) 299-5900
 7 Facsimile: (408) 292-7240

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

E-FILED - 2/10/10

8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 (San Jose)

12 ERNEST MUSUMECI,)	No. C08-04924 RMW
13 Plaintiff,)	STIPULATION AND ORDER DISMISSING DEFENDANT ALEX CHYORNY, M.D.
14 v.)	
15 SANTA CLARA COUNTY et al.,)	
16 Defendants.)	

17
 18 The parties hereby stipulate and agree to an order dismissing with prejudice Alex
 19 Chyorny, M.D., respecting all claims including, but not limited to, alleged violation of 42
 20 U.S.C. section 1983 as set forth in Plaintiff's complaint.

21 It is further stipulated and agreed that the only remaining claim as set forth in Plaintiff's
 22 complaint is one based on alleged violation of 42 U.S.C. section 1983 against the County and
 23 Defendant Edward Flores.

24 //
 25 //
 26 //
 27 //
 28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: February 4, 2010

By: /S/
ERNEST MUSUMECI

Plaintiff in Pro Per

MIGUEL MÁRQUEZ
Acting County Counsel

Dated: February 4, 2010

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: 2/9/10

Ronald M. Whyte
RONALD M. WHYTE
United States District Court Judge