

Filed

OCT 11 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 J. RANDALL ANDRADA (SBN 70000)
 randrada@andradalaw.com
2 MATTHEW W. ROMAN (SBN 267717)
 mroman@andradalaw.com
3 **ANDRADA & ASSOCIATES**
 PROFESSIONAL CORPORATION
4 180 Grand Avenue, Suite 225
 Oakland, California 94612
5 Tel.: (510) 287-4160
 Fax: (510) 287-4161

6 Attorneys for Defendants
7 MATTHEW L. CATE; EVERETT W. FISHER; DOUGLAS MCCLURE;
 R. S. MARQUEZ; RICHARD J. KIRKLAND; ROBERT A. HOREL; M.
8 CASTELLAW; L. POLK; M.A. COOK; M.J. NIMROD; S. WHEELER;
 K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A. MCKINNEY;
9 DAVID J. BARNEBURG; S. O'DELL (sued erroneously as S.O. Dell);
 DEL HIGGERSON; J. R. MCBRIDE; GINA BRAME DERRICO (sued
10 erroneously as Genna Brame Derrico); T. K. ROSENKRUNS

ANDRADA & ASSOCIATES
PROFESSIONAL CORPORATION

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 GABRIEL RUDY CORTEZ

16 Plaintiff,

17 v.

18 MATHEW L. CATE, et al.,

19 Defendants.

Case No.: 5:09-cv-03021-EJD

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITH
PREJUDICE**

Hon. Edward J. Davila

22 Defendants MATTHEW L. CATE; EVERETT W. FISHER; DOUGLAS MCCLURE; R. S.
23 MARQUEZ; RICHARD J. KIRKLAND; ROBERT A. HOREL; M. CASTELLAW; L. POLK; M.A.
24 COOK; M.J. NIMROD; S. WHEELER; K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A.
25 MCKINNEY; DAVID J. BARNEBURG; S. O'DELL; DEL HIGGERSON; J. R. MCBRIDE; GINA
26 BRAME DERRICO; and T. K. ROSENKRUNS, by and through their counsel, MATTHEW ROMAN
27 of Andrada & Associates, and Plaintiff, GABRIEL RUDY CORTEZ, in pro se, submit the following
28 Stipulation of Dismissal with Prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

ANDRADA & ASSOCIATES
PROFESSIONAL CORPORATION

1 IT IS HEREBY STIPULATED that the above-captioned action be and hereby is dismissed with
2 prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

3 IT IS FURTHER STIPULATED that each party shall bear its own costs.
4

5 Date: September 17, 2013

GABRIEL RUDY CORTEZ

6 *PER release agreement dismissal is not to be filed with the
7 court until settlement payment is delivered.*

8 By *Gabriel R Cortez*
GABRIEL RUDY CORTEZ

10 Dated: September 12, 2013

ANDRADA & ASSOCIATES

12 By *Matthew Roman*
13 MATTHEW ROMAN
14 Attorneys for Defendants

15 Plaintiff GABRIEL RUDY CORTEZ's claims against Defendants MATTHEW L. CATE;
16 EVERETT W. FISHER; DOUGLAS MCCLURE; R. S. MARQUEZ; RICHARD J. KIRKLAND;
17 ROBERT A. HOREL; M. CASTELLAW; L. POLK; M.A. COOK; M.J. NIMROD; S. WHEELER;
18 K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A. MCKINNEY; DAVID J. BARNEBURG; S.
19 O'DELL; DEL HIGGERSON; J. R. MCBRIDE; GINA BRAME DERRICO; and T. K.
20 ROSENKRUNS are HEREBY DISMISSED WITH PREJUDICE pursuant to the stipulation between
21 the parties.

22
23 IT IS SO ORDERED.

24
25 DATED: 10/11/13

[Signature]
26 HONORABLE EDWARD J. DAVILA
27

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL R. CORTEZ,
Plaintiff,

Case Number: CV09-03021 EJD

CERTIFICATE OF SERVICE

v.

MATTHEW L. CATE et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 11, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gabriel Rudy Cortez J-76501
Pelican Bay State Prison
P. O. Box 7500
Crescent City, Ca 95532

Dated: October 11, 2013

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk