

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 LYNN H. PASAHOW (CSB No. 54283)
 lpasahow@fenwick.com
 2 DAVID K. TELLEKSON (Admitted *Pro Hac Vice*)
 dtellekson@fenwick.com
 3 MELANIE L. MAYER (Admitted *Pro Hac Vice*)
 mmayer@fenwick.com
 4 EWA M. DAVISON (Admitted *Pro Hac Vice*)
 edavison@fenwick.com
 5 JEFFREY A. WARE (CSB No. 271603)
 jware@fenwick.com
 6 FENWICK & WEST LLP
 Silicon Valley Center
 7 801 California Street
 Mountain View, CA 94041
 8 Telephone: 650.988.8500
 Facsimile: 650.938.5200

9 Attorneys for Plaintiff
 10 BRENT LUIS GONZALEZ

11 SUSAN E. COLEMAN (CSB No. 171832)
 scoleman@bwsllaw.com
 12 MARTIN KOSLA (CSB No. 247224)
 mkosla@bwsllaw.com
 13 BURKE, WILLIAMS & SORENSON, LLP
 444 South Flower Street, Suite 2400
 14 Los Angeles, CA 90071-2953
 Telephone: 213.236.0600
 15 Facsimile: 213.236.2700

16 Attorneys for Defendants
 Z. AHMED, M.D.; M. SEPULVEDA, M.D.;
 17 and J. CHUDY, M.D.

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 BRENT LUIS GONZALEZ,
 22 Plaintiff,
 23 v.
 24 Z. AHMED, M.D., et al.,
 25 Defendants.

Case No.: 5:10-cv-05654-LHK
 Assigned to Hon. Lucy H. Koh

**JOINT REQUEST FOR DISMISSAL
 WITHOUT PREJUDICE PENDING
 FINALIZATION OF SETTLEMENT**

26
 27
 28 REQUEST FOR DISMISSAL WITHOUT
 PREJUDICE PENDING SETTLEMENT
 CASE NO.: 5:10-cv-05654-LHK

1 The parties' counsel entered into a tentative settlement of this matter on October 16, 2014.
 2 They are now in the process of complying with the formal procedures of the California
 3 Department of Corrections (which is indemnifying the defendants), including finalizing a formal
 4 settlement agreement and transferring the agreed settlement funds (which the California
 5 Department of Corrections has indicated will take up to six months to complete). To allow time
 6 to complete this process, on October 21, 2014, the parties jointly requested that the Court stay the
 7 several imminent pretrial and trial deadlines and events. On October 21, 2014, the Court denied
 8 the parties' former request to stay, but stated the parties (1) now may request the Court to dismiss
 9 the action without prejudice, retaining jurisdiction to enforce the settlement agreement; and
 10 (2) once the settlement is finalized and the settlement funds transferred, request the Court to
 11 dismiss the action with prejudice;

12 THEREFORE, the parties plaintiff Brent Luis Gonzalez, and defendants Z. Ahmed,
 13 M.D., M. Sepulveda, M.D., and J. Chudy, M.D., by and through their attorneys of record, request
 14 that the Court:

- 15 1. Dismiss the action without prejudice, each party to bear its own fees and costs; and,
- 16 2. Retain jurisdiction to enforce the parties' settlement agreement.

17
 18 Dated: October 22, 2014

FENWICK & WEST LLP

19
 20 By: /s/Melanie L. Mayer

Lynn H. Pasahow
 David K. Telleson
 Melanie L. Mayer
 Ewa M. Davison
 Jeffrey A. Ware

21
 22
 23
 24 Attorneys for Plaintiff
 BRENT LUIS GONZALEZ

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

Dated: October 22, 2014

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Martin Kosla
Susan E. Coleman
Martin Kosla

Attorneys for Defendants
Z. AHMED, M.D.; M. SEPULVEDA, M.D.;
and J. CHUDY, M.D.

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

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

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Melanie L. Mayer, attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of October, 2014.

By: /s/Melanie L. Mayer

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 LYNN H. PASAHOW (CSB No. 54283)
lpasahow@fenwick.com
2 DAVID K. TELLEKSON (Admitted *Pro Hac Vice*)
dtellekson@fenwick.com
3 MELANIE L. MAYER (Admitted *Pro Hac Vice*)
mmayer@fenwick.com
4 EWA M. DAVISON (Admitted *Pro Hac Vice*)
edavison@fenwick.com
5 JEFFREY A. WARE (CSB No. 271603)
jware@fenwick.com
6 FENWICK & WEST LLP
Silicon Valley Center
7 801 California Street
Mountain View, CA 94041
8 Telephone: 650.988.8500
Facsimile: 650.938.5200

9 Attorneys for Plaintiff
10 BRENT LUIS GONZALEZ

11 SUSAN E. COLEMAN (CSB No. 171832)
scoleman@bwslaw.com
12 MARTIN KOSLA (CSB No. 247224)
mkosla@bwslaw.com
13 BURKE, WILLIAMS & SORENSON, LLP
444 South Flower Street, Suite 2400
14 Los Angeles, CA 90071-2953
Telephone: 213.236.0600
15 Facsimile: 213.236.2700

16 Attorneys for Defendants
Z. AHMED, M.D.; M. SEPULVEDA, M.D.;
17 and J. CHUDY, M.D.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION
21

22
23 BRENT LUIS GONZALEZ,
24 Plaintiff,
25 v.
26 Z. AHMED, M.D., et al.,
27 Defendants.

Case No.: 5:10-cv-05654-LHK

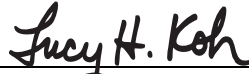
**~~PROPOSED~~ ORDER DISMISSING
WITHOUT PREJUDICE PENDING
FINALIZATION OF SETTLEMENT**

1 After reviewing the parties' Joint Request For Dismissal Without Prejudice Pending
2 Finalization of Settlement, and good cause appearing therefor,

3 **IT IS SO ORDERED** that

- 4 1. The case is dismissed without prejudice, each party to bear its own costs and
5 attorneys' fees; and,
6 2. The Court retains jurisdiction to enforce the parties' settlement agreement.
7 3. The Parties shall file any request to dismiss with prejudice by May 15, 2015.
8 The Clerk shall close the file.

8 Dated: October 22, 2014



The Honorable Lucy H. Koh
United States District Court Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28