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10 Intervenors

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15 IN THE UNITED STATES DISTRICT COURTS
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17 AND THE NORTHERN DISTRICT OF CALIFORNIA
18 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
19 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

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21 RALPH COLEMAN, et al.,

22 Case No.: CIV S-90-0520 LKK JFM P

23 Plaintiffs,

24 **THREE-JUDGE COURT**

25 vs.

26 ARNOLD SCHWARZENEGGER, et al.,

27 Defendants.

28 MARCIANO PLATA, et al.,

29 Case No.: C01-1351 TEH

30 Plaintiffs,

31 **THREE-JUDGE COURT**

32 vs.

33 ARNOLD SCHWARZENEGGER, et al.,

34 Defendants.

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38 **STIPULATION OF PARTIES AND**
39 ~~PROPOSED ORDER DISMISSING JEFF~~
40 ~~DENHAM, GREG AGHAZARIAN, ALAN~~
41 ~~NAKANISHI AND GEORGE PLESIA~~
42 **AS INTERVENORS**

1. This Court granted Senator Jeff Denham and Assemblymen Greg
2. Aghazarian, Alan Nakanishi, and George Plescia intervening party status
3. for purposes of opposing the issuance of a prisoner release order under
4. consideration by this Three-Judge Court pursuant to the Prison Litigation
5. Reform Act, 18 U.S.C. 3626 *et seq.*; and,
6. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
7. Nakanishi, and Assemblyman George Plescia have evaluated whether their
8. continued participation as Legislator Intervenors is necessary given the
9. current posture of the case and the participation of numerous other
10. Legislator Intervenors.
11. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
12. Nakanishi, and Assemblyman George Plescia, through their counsel, have
13. contacted legal counsel for Plaintiffs, Defendants, and Intervenor
14. representatives as of February 27, 2009, to obtain consent to their
15. withdrawal; and,
16. Plaintiffs, Defendants and Intervenor representatives have stipulated to
17. dismissing Senator Denham, Assemblyman Greg Aghazarian,
18. Assemblyman Alan Nakanishi, and Assemblyman George Plescia as
19. intervenors in the proceedings now before this Three-Judge Court; and,
20. Senator Denham, Assemblyman Greg Aghazarian, Assemblyman Alan
21. Nakanishi, and Assemblyman George Plescia request this Three-Judge
22. Court order them dismissed, with prejudice, as intervenors in CIV 5-90-
23. 0520 LKK JFM P and No. C01-1341 TEH, as those cases are now pending
24. before this Three-Judge Court.

25. IT IS SO STIPULATED.

1 Dated: February 27, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

2 By: /s/
3 **CHAD STEGEMAN**
4 Attorneys for Assembly and Senate
Republican Intervenors

5 Dated: February 27, 2009

6 By: /s/
7 **ANNE L. KECK**
8 Deputy County Counsel
Attorney for Sonoma County Intervenors

9 Dated: February 27, 2009

10 By: /s/
11 **THERESA J. FUENTES**
12 Deputy County Counsel
13 Attorneys for County Intervenors

14 Dated: February 27, 2009

15 By: /s/
16 **WILLIAM MITCHELL**
17 Assistant District Attorney
18 Attorneys for District Attorney Intervenors

19 Dated: February 27, 2009

20 By: /s/
21 **KIMBERLY HALL-BARLOW**
22 Attorneys for Sheriff Intervenors,
23 Probation Intervenors, and
24 Chief of Correction Intervenors

25 Dated: February 27, 2009

26 By: /s/
27 **NATALIE LEONARD**
28 Attorneys for Intervenor
California Correctional Peace Officer's
Association

29 Dated: February 27, 2009

30 By: /s/
31 **MICHAEL BIEN**
32 Attorneys for *Coleman* Plaintiffs

33 Dated: February 27, 2009

34 By: /s/
35 **DONALD SPECTER**
36 Attorneys for *Plata* Plaintiffs

37 Dated: February 27, 2009

38 By: /s/
39 **LISA TILLMAN**
40 Deputy Attorney General
41 Attorney for *Coleman* Defendants

42 Dated: February 27, 2009

43 By: /s/
44 **PAUL MELLO**
45 Attorney for *Plata* Defendants

1 I declare under penalty of perjury under the laws of the State of California, and
2 pursuant to General Order 45(x)(B), that I obtained approval of this Stipulation from
3 each signatory listed above. Executed on this 27th day of February, 2009 at San
4 Francisco, California.

5 Dated: February 27, 2009

6 AKIN GUMP STRAUSS HAUER & FELD LLP

7 By: _____/s/

8 CHAD STEGEMAN

9 Attorneys for Assembly and Senate
10 Republican Intervenors

11 Pursuant to Stipulation, Legislator Intervenors Jeff Denham, Greg Aghazarian,
12 Alan Nakanishi, and George Plescia are dismissed from CIV 5-90-0520 LKK JFM P
13 and No. C01-1341 TEH with prejudice.

14

15 **IT IS SO ORDERED.**

16 Dated: 03/04/09

17 /s/

18 STEPHEN REINHARDT
19 UNITED STATES CIRCUIT JUDGE
20 NINTH CIRCUIT COURT OF APPEALS

21 Dated: 03/04/09

22 /s/

23 LAWRENCE K. KARLTON
24 UNITED STATES DISTRICT JUDGE
25 EASTERN DISTRICT OF CALIFORNIA

26 Dated: 03/04/09

27 
28 THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA