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10 Intervenors

11  
12 IN THE UNITED STATES DISTRICT COURTS  
13 FOR THE EASTERN DISTRICT OF CALIFORNIA  
14 AND THE NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
16 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

17 RALPH COLEMAN, et al.,

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

19 Plaintiffs,

20 vs.  
21 **THREE-JUDGE COURT**

22 ARNOLD SCHWARZENEGGER, et al.,

23 Defendants.

24 MARCIANO PLATA, et al.,

25 Case No.: C01-1351 TEH

26 Plaintiffs,

27 vs.  
28 **THREE-JUDGE COURT**

29 ARNOLD SCHWARZENEGGER, et al.,

30 Defendants.  
31 **STIPULATION OF PARTIES AND**  
32 **~~PROPOSED~~ ORDER DISMISSING**  
33 **NATHAN FLETCHER, JOHN J. BENOIT,**  
34 **AND DAVID COGDILL AS**  
35 **INTERVENORS**

1. This Court granted California Assemblymembers Nathan Fletcher and John J. Benoit  
2 and California Senator David Cogdill intervening party status for purposes of opposing  
3 the issuance of a prisoner release order under consideration by this Three-Judge Court  
4 pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626 *et seq.*; and,
5. Assemblymembers Nathan Fletcher and John J. Benoit and Senator David Cogdill have  
6 evaluated whether their continued participation as Legislator Intervenors is necessary  
7 given the current posture of the case and the participation of numerous other Legislator  
8 Intervenors.
9. Assemblymembers Nathan Fletcher and John J. Benoit and Senator David Cogdill,  
10 through their counsel, have contacted legal counsel for Plaintiffs, Defendants, and  
11 Intervenor representatives as of February 18, 2010, to obtain consent to their  
12 withdrawal; and,
13. Plaintiffs, Defendants and Intervenor representatives have stipulated to dismissing  
14 Assemblymembers Nathan Fletcher and John J. Benoit and Senator David Cogdill as  
15 intervenors in the proceedings now before this Three-Judge Court; and,
16. Assemblymembers Nathan Fletcher and John J. Benoit and Senator David Cogdill  
17 request this Three-Judge Court order them dismissed, with prejudice, as intervenors in  
18 CIV 5-90-0520 LKK JFM P and No. C01-1341 TEH, as those cases are now pending  
19 before this Three-Judge Court.

20 IT IS SO STIPULATED.

21 Dated: February 22, 2010

AKIN GUMP STRAUSS HAUER & FELD LLP

22  
23 By: /s/  
24 CHAD STEGEMAN  
Attorneys for Assembly and Senate  
Republican Intervenors

25  
26 Dated: February 22, 2010

By: /s/  
27 ANNE L. KECK  
Deputy County Counsel  
28 Attorney for Sonoma County Intervenors

1 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
THERESA J. FUENTES  
Deputy County Counsel  
Attorneys for County Intervenors

2 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
WILLIAM MITCHELL  
Assistant District Attorney  
Attorneys for District Attorney Intervenors

3 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
MARTIN J. MAYER  
Attorneys for Sheriff Intervenors,  
Probation Intervenors, and  
Chief of Correction Intervenors

4 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
NATALIE LEONARD  
Attorneys for Intervenor  
California Correctional Peace Officer's Association

5 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
MICHAEL BIEN  
Attorneys for *Coleman* Plaintiffs

6 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
DONALD SPECTER  
Attorneys for *Plata* Plaintiffs

7 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
KYLE LEWIS  
Deputy Attorney General  
Attorney for *Coleman* Defendants

8 Dated: February 22, 2010

By: \_\_\_\_\_ /s/  
PAUL MELLO  
Attorney for *Plata* Defendants

9  
10 I declare under penalty of perjury under the laws of the State of California, and pursuant to  
11 General Order 45(x)(B), that I obtained approval of this Stipulation from each signatory listed above.  
12 Executed on this 22nd day of February, 2010 at San Francisco, California.  
13

14 Dated: February 22, 2010

AKIN GUMP STRAUSS HAUER & FELD LLP

15 By: \_\_\_\_\_ /s/  
16 TERESA W. WANG  
17 Attorneys for Assembly and Senate  
18 Republican Intervenors

1 Pursuant to Stipulation, Legislator Intervenors Nathan Fletcher, John J. Benoit,  
2 and David Cogdill are dismissed from CIV S-90-0520 LKK JFM P and No. C01-1351  
3 TEH with prejudice.

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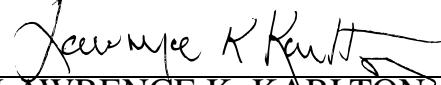
5 **IT IS SO ORDERED.**

6 Dated: 02/22/10

7

8   
9 STEPHEN REINHARDT  
10 UNITED STATES CIRCUIT JUDGE  
11 NINTH CIRCUIT COURT OF APPEALS

12 Dated: 02/22/10

13   
14 LAWRENCE K. KARLTON  
15 UNITED STATES DISTRICT JUDGE  
16 EASTERN DISTRICT OF CALIFORNIA

17 Dated: 02/22/10

18   
19 THELTON E. HENDERSON  
20 UNITED STATES DISTRICT JUDGE  
21 NORTHERN DISTRICT OF CALIFORNIA