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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION

11
12 JEFF SILVESTER, MICHAEL POESCHL,
BRANDON COMBS, THE CALGUNS
13 FOUNDATION, INC. a non-profit organization, and
SECOND AMENDMENT FOUNDATION, INC. a
14 non-profit organization,

15 Plaintiff,

16 v.

17 KAMALA HARRIS, Attorney General of California
(in her official capacity), and DOES 1 to 20,

18 Defendant.
19

Case No. 1:11-CV-02137-AWI-SKO

STIPULATION AND PROPOSED ORDER
OF DISMISSAL OF PLAINTIFF MICHAEL
POESCHL

20 By and through undersigned counsel:

21 PLEASE TAKE NOTICE THAT Plaintiff MICHAEL POESCHL hereby dismisses his
22 actions against all Defendants, including KAMALA HARRIS, Attorney General of California (in
23 her official capacity) and DOES 1 through 20 with prejudice. This voluntary dismissal is made
24 pursuant to the stipulation on the part of all parties pursuant Federal Rule of Civil Procedure 41(a)
25 and is subject to the terms of stipulation contained herein.

26 Pursuant to Federal Rule of Civil Procedure 41(a) and subject to Rules 23(e), 23.1(c), 23.2, and 66
27 and any applicable federal statute, a plaintiff may dismiss an action without a court order by filing a
28

1 stipulation of dismissal signed by all parties who have appeared. Unless the notice or stipulation states
2 otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-
3 court action based on or including the same claim, a notice of dismissal operates as an adjudication on the
4 merits.

5 Plaintiff Michael Poeschl no longer resides within the State of California; as such, Plaintiff
6 Michael Poeschl, and all parties to this action agree that it is the best interest of this action to dismiss his
7 actions against all DEFENDANTS and withdraw as a Plaintiff in the above entitled action. All parties to
8 this action agree and stipulate to Plaintiff Michael Poeschl's dismissal. Plaintiff Michael Poeschl and
9 Defendants agree to waive all claims for costs and attorney fees in the above entitled manner as they relate
10 to Michael Poeschl's individual claims – each party bearing their own costs and fees in this matter.

11
12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13
14 DATED: April 23, 2013 s/Jason A. Davis
Jason A. Davis,
15 Attorneys for Plaintiffs

16 DATED: April 23, 2013 s/Jonathan Eisenberg
Jonathan Eisenberg,
17 Attorneys for Defendant

18
19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20
21 DATED: _____
22 Sheila K. Oberto
United States District/Magistrate Judge

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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEFF SILVESTER, MICHAEL POESCHL,
BRANDON COMBS, THE CALGUNS
FOUNDATION, INC. a non-profit
organization, and THE SECOND
AMENDMENT FOUNDATION, INC., a non-
profit organization,

Plaintiffs,
vs.

KAMALA HARRIS, Attorney General of
California (in her official capacity), and DOES
1 TO 20,

Defendants.

Case No: 1:11-CV-02137

**PROOF OF SERVICE OF
STIPULATION AND PROPOSED
ORDER OF DISMISSAL OF
PLAINTIFF MICHAEL POESCHL**

DECLARATION AND PROOF OF SERVICE

I, Jason Davis, hereby declare as follows:

I am over the age of 18 years and not a party to this action. I am an attorney for Davis & Associates. My business address is 27201 Puerta Real, Mission Viejo, CA 92688.

On April 23, 2013, I served the following document(s):

**PROOF OF SERVICE OF
STIPULATION AND PROPOSED ORDER OF DISMISSAL OF PLAINTIFF**

MICHAEL POESCHL

☒ (by ELECTRONIC FILING) I served each of the above referenced document(s) by E-filing in accordance with the rules governing the electronic filing of documents in the United States District Court for the Eastern District of California, which will send notification of such filing to the following interested parties.

☐ [U.S. MAIL] by placing a copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mission Viejo, California addressed as set forth below.

☐ [by PERSONAL DELIVERY] by having the document personally delivered the document(s) listed above to the person(s) at the address(es) set forth below.

☐ (by FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission report issued by the transmitting facsimile machine is attached hereto.

☒ (by E-MAIL) A courtesy copy of each of the above referenced document(s) were provided by e-mail to the following address(es): Jonathan.Eisenberg@doj.ca.gov.

ADDRESS(ES)

Jonathan Eisenberg
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
T: 213-897-6505 / F: 213-897-1071
Jonathan.Eisenberg@doj.ca.gov

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on April 23, 2013 in Mission Viejo, California.

3 Date: April 23, 2013

Respectfully submitted,

4 By: s/ Jason Davis

5 Jason Davis,

Davis & Associates

Attorneys for Plaintiffs

6 30021 Tomas Street, Suite 300

7 Rancho Santa Margarita, CA 92688

8 Tel 949.310.0817/Fax 949.288.6894

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