

1 Jason A. Davis (Calif. Bar. No. 224250)
2 Davis & Associates
27201 Puerta Real, Suite 300
3 Mission Viejo, CA 92691
Tel 949.436.GUNS / Fax 949.288.6894
4 Email: Jason@CalGunLawyers.com

5 Donald J. Kilmer, Jr. (Calif. Bar. No. 179986)
6 Law Office of Donald Kilmer, A.P.C.
1645 Willow Street, Suite 150
7 San Jose, CA 95125
Tel: 408.264.8489 / Fax 408.264.8487

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

11 JEFF SILVESTER, MICHAEL POESCHL,
12 BRANDON COMBS, THE CALGUNS
13 FOUNDATION, INC. a non-profit organization, and
14 SECOND AMENDMENT FOUNDATION, INC. a
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: _____
Sheila K. Oberto
22 United States District/Magistrate Judge