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11 ELIZABETH AIDA HASKELL, REGINALD ENTO,
JEFFREY PATRICK LYONS, JR., and AAKASH DESAI,
12 on behalf of themselves and others similarly situated

13
14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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17 ELIZABETH AIDA HASKELL,
REGINALD ENTO, JEFFREY PATRICK
18 LYONS, JR., and AAKASH DESAI, on
behalf of themselves and others similarly
19 situated,

20 Plaintiffs,

21 vs.

22 EDMUND G. BROWN, JR., Attorney
General of California; EVA
23 STEINBERGER, Assistant Bureau Chief
for DNA Programs, California Department
24 of Justice; and MICHAEL HENNESSEY,
Sheriff, San Francisco County,

25 Defendants.
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Civil Case No. C 09-4779 CRB

CLASS ACTION

**STIPULATION DISMISSING
DEFENDANT MICHAEL HENNESSEY
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

Honorable Charles R. Breyer

Complaint Filed: October 7, 2009
First Am. Complaint Filed: December 1, 2009

1 Plaintiffs Elizabeth Aida Haskell, Reginald Ento, Jeffrey Patrick Lyons, Jr., and Aakash
2 Desai, on behalf of themselves and others similarly situated (“Plaintiffs”); Defendants Edmund G.
3 Brown Jr., Attorney General of California, and Eva Steinberger, Assistant Bureau Chief for DNA
4 Programs, California Department of Justice (“State Defendants”); and Defendant Michael
5 Hennessey, Sheriff for the County of San Francisco (“City Defendant”) (collectively “All
6 Defendants”), by and through their counsel, hereby agree and stipulate as follows:

7 **RECITALS**

8 1. Plaintiffs filed a Class Action Complaint for Declaratory and Injunctive Relief on
9 October 7, 2009 (the “Complaint”). The Complaint challenges a provision of California law that
10 requires collection of DNA samples from individuals arrested or charged with any felony at the
11 time of their arrest. The Complaint alleges that this practice violates the Fourth Amendment as
12 well as substantive and procedural due process as protected by the Fourteenth Amendment.

13 2. Plaintiffs filed a First Amended Complaint on December 1, 2009.

14 3. All parties now agree that venue in this District is proper and that no local law
15 enforcement agency is a necessary party to this action because all such agencies will be bound by
16 any injunction against the State Defendants under Fed. R. Civ. P. 65. Accordingly, the parties
17 have agreed that Defendant Hennessey should therefore be voluntarily dismissed without
18 prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

19 NOW THEREFORE, Plaintiffs and All Defendants hereby stipulate to the following:

20 **AGREEMENT**

21 Plaintiffs hereby voluntarily dismiss Defendant Hennessey without prejudice pursuant to
22 Fed. R. Civ. P. 41(a)(1)(A)(ii). The Parties further agree that in the event Plaintiffs move in the
23 future to name Mr. Hennessey as a Defendant in this action (or name him in another action
24 challenging the collection of DNA), the provisions of Fed. R. Civ. P. 41(d) will not apply.

1 DATED: January 7, 2010

PAUL, HASTINGS, JANOFSKY & WALKER LLP

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By: /s/ Eric A. Long

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Eric A. Long

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Attorneys for Plaintiffs

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ELIZABETH AIDA HASKELL, REGINALD ENTO,
JEFFREY PATRICK LYONS, JR., and AAKASH
DESAI, on behalf of themselves and others similarly
situated

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7 DATED: January 7, 2010

OFFICE OF THE ATTORNEY GENERAL

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By: /s/ Daniel J. Powell

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Daniel J. Powell

Deputy Attorney General

10

Attorneys for Defendants

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EDMUND G. BROWN JR., Attorney General of
California and EVA STEINBERGER, Assistant Bureau
Chief for DNA Programs, California Department of
Justice

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14 DATED: January 7, 2010

CITY AND COUNTY OF SAN FRANCISCO

15

By: /s/ Sherri Sokeland Kaiser

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Sherri Sokeland Kaiser

Deputy City Attorney

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Attorney for Defendant

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MICHAEL HENNESSEY,
Sheriff for the County of San Francisco

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20 I attest that concurrence in the filing of this document has been obtained from Daniel J. Powell,
21 attorney for Defendants Brown and Steinberger, and Sherri Sokeland Kaiser, attorney for
Defendant Hennessey.

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By: /s/ Eric A. Long

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Eric A. Long

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Paul, Hastings, Janofsky & Walker LLP
Attorneys for Plaintiffs

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