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 FREIGHTLINER CUSTOM CHASSIS CORPORATION

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

<p>17 JAMES R. TAPP,</p> <p>18 Plaintiffs,</p> <p>19 v.</p> <p>20 THOR INDUSTRIES, INC., a corporation; FREIGHTLINER, LLC, a limited liability 21 company; and DOES 1 through 10, inclusive, et al.</p> <p>22 Defendants.</p> <p>23 _____</p>	<p>) CASE NO.: 1:08-CV-1907-OWW-GSA) (Formerly LASC Case No. 08 CE CG 03888 DSB))) JOINT MOTION/STIPULATION TO) DISMISS DEFENDANT THOR) INDUSTRIES, INC.; AND FILE) AMENDED COMPLAINT)) Complaint Filed: 11/06/08) Removal File: 12/11/08) Trial Date: Not Yet Set))</p>
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24 Plaintiff JAMES R. TAPP and Defendant FREIGHTLINER CUSTOM CHASSIS
 25 CORPORATION, by and through their respective counsels of record, hereby stipulate and
 26 jointly move this Court for:

27 (1) an Order dismissing Defendant THOR INDUSTRIES, INC. without prejudice;
 28 and

1 (2) an Order allowing Plaintiff JAMES R. TAPP to amend his Complaint on file
2 herein to name FOUR WINDS INTERNATIONAL CORPORATION as a defendant. Plaintiff
3 JAMES R. TAPP will file his Amended Complaint within two (2) weeks of the Court's
4 executed Order.

5 **IT IS SO STIPULATED:**

6 WILLIAM M. KRIEG & ASSOCIATES

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8 Dated: 02/10/09 By: /s/ William M. Krieg
9 William M. Krieg, Esq.
10 Eric M. Kapigian, Esq.
11 Attorney for Plaintiff, JAMES R. TAPP

12 MURCHISON & CUMMING, LLP

13 Dated: 02/10/09 By: /s/ Anastasia K. Mazzella
14 Richard C. Moreno, Esq.
15 Anastasia K. Mazzella, Esq.
16 Attorney for Defendant, FREIGHTLINER
17 CUSTOM CHASSIS CORPORATION

18 IT IS SO ORDERED.

19 **Dated: February 13, 2009**
20 **/s/ Oliver W. Wanger**
21 **UNITED STATES DISTRICT JUDGE**