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

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

CASE NO. CV F 10-1492 LJO JLT

Plaintiff,

**ORDER TO DISMISS AFFIRMATIVE
DEFENSES AS TO PLAINTIFF EEOC**

vs.

CENTRAL CALIFORNIA FOUNDATION
FOR HEALTH,

Defendant.

_____ /

Based on the stipulation between plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) and defendant Central California Foundation for Health (“Central Cal”), this Court DISMISSES as to EEOC Central Cal’s following affirmative defenses:

1. Fifth Affirmative Defense for Plaintiff’s Proportional Liability;
2. Eleventh Affirmative Defense for At Will Employment;
3. Fourteenth Affirmative Defense for Material Breach;
4. Sixteenth Affirmative Defense for Failure to Exhaust Administrative Remedies;
5. Seventeenth Affirmative Defense for Preemption of Tort Action by Workers’ Compensation Law; and
6. Twentieth Affirmative Defense for Right to Assert Additional Affirmative Defenses.

IT IS SO ORDERED.

Dated: April 30, 2012

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE