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7 Attorneys for Defendants THE  
 8 TERMINIX INTERNATIONAL  
 9 COMPANY L.P., a limited partnership;  
 10 TERMINIX INTERNATIONAL, INC.

11 **UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF CALIFORNIA**  
 13 **FRESNO DIVISION**

12 EDVARD ESHAGH, on behalf of himself and all others similarly situated  13 14 Plaintiff,  15 vs.  16 THE TERMINIX INTERNATIONAL COMPANY L.P., a limited partnership; 17 TERMINIX INTERNATIONAL, INC.  18 Defendants.	) <b>Case No.: 1:11-CV-00222-OWW-DLB</b> ) ) <b>ORDER GRANTING MOTION TO</b> ) <b>DISMISS COMPLAINT</b> ) ) ) Hon. Oliver W. Wanger ) ) ) Complaint Filed: February 8, 2011 )
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19 THIS CAUSE COMING TO BE HEARD ON Motion of Defendants to Dismiss  
 20 Plaintiff’s Complaint (the “Motion”), due notice having been given, oral argument on the  
 21 Motion having been heard on July 11, 2011, and the Court having issued its  
 22 Memorandum Decision on July 25, 2011,

23 IT IS HEREBY ORDERED THAT:

24 (1) Count I (California Unfair Competition Law (Business and Professions  
 25 Code §17200, et seq.)) and Count II (California UCL – False Advertising Law (Business  
 26 and Professions Code §17500, et seq.)) are DISMISSED, without prejudice;  
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1 (2) Count III (Breach of Professional Duty) and Count V (Assumpsit) are time-  
2 barred and are DISMISSED with prejudice;

3 (3) Count IV (Breach of Contract and Duty of Fair Dealing) based on contracts  
4 other than Exhibit 1 to the Complaint are DISMISSED, without prejudice;  
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6 (4) Plaintiff shall file an amended complaint within 20 days following  
7 electronic service of the Court's July 25, 2011 Memorandum Decision. Defendants shall  
8 file their responsive pleading within 15 days following service of an amended complaint.  
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10 SO ORDERED.

11 DATED: August 10, 2011  
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13 /s/ OLIVER W. WANGER  
14 Honorable Oliver W. Wanger  
15 U.S. DISTRICT COURT JUDGE  
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