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8 Attorney for Plaintiff
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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 VERONICA SCHULTZ,

13 Plaintiff,

14 v.

15 STERICYCLE, INC., a Delaware
16 Corporation, MIKE STORIE and DOES 1
17 through 50, inclusive,

18 Defendants.

No. 1:13-cv-01244-LJO-MJS

**STIPULATION TO DISMISS
DEFENDANT MIKE STORIE WITH
PREJUDICE AND TO FILE AN
AMENDED COMPLAINT**

STIPULATION

19 1. WHEREAS the Court's Order on the Defendant's 12(c) Motion granted the same
20 with leave to amend;

21 2. WHEREAS Plaintiff has agreed to dismiss Defendant MIKE STORIE with
22 prejudice and to file an Amended Complaint to this effect in return for Defendant MIKE
23 STORIE'S waiver of costs;

24 3. WHEREAS Plaintiff agrees that because the amended complaint does not contain
25 any substantive or new allegations against Defendant STERICYCLE, Defendant STERICYCLE
26 is not required to respond to the First Amended Complaint and its general denial filed in State
27 Court continues to serve as its Answer to the First Amended Complaint. (Stanley Works v.
28

1 Snydergeneral Corp., 781 F. Supp. 659, 664-65 (E.D. Cal. 1990).)

2 4. NOW THEREFORE, in conformity with the parties stipulation, it is respectfully
3 requested that the Court enter an Order for the voluntary dismissal with prejudice of Defendant
4 MIKE STORIE and to permit the filing of an Amended Complaint to this effect.

5 5. Attached to this Stipulation as Exhibit 1, is a true and correct copy of the
6 [Proposed] First Amended Complaint.
7

8 DATED: October 3, 2013

LAW OFFICES OF MARK J. ALEXANDER

9 By: _____ /s/ Mark J. Alexander

10 Mark J. Alexander
11 Attorneys for Plaintiff
Veronica Schultz

12 DATED: October 3, 2013

VEDDER PRICE (CA), LLP

13 By: _____ /s/ Lucky Meinz

14 Lucky Meinz
15 Attorneys for Defendants
16 Stericycle, Inc. and Mike Storie

17 **ORDER**

18 1. In consideration of the parties stipulation, and good cause appearing therefore to
19 the satisfaction of the Court;

20 2. IT IS HEREBY ORDERED that Defendant MIKE STORIE is voluntarily
21 dismissed with prejudice with each party to bear its own fees and costs associated
22 therewith;

23 3. Plaintiff may file and serve the proposed First Amended Complaint immediately
24 but in no event later than October 8, 2013;

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4. As a result of the dismissal, that portion of the Court's Order on the Defendant's 12(c) motion granting leave to amend is moot, and vacated as such.

IT IS SO ORDERED.

Dated: October 4, 2013

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