

1 PANISH SHEA & BOYLE LLP  
BRIAN J. PANISH, State Bar No. 116060  
2 DAVID RUDORFER, State Bar No. 254666  
11111 Santa Monica Boulevard, Suite 700  
3 Los Angeles, California 90025  
Telephone: 310.477.1700  
4 Facsimile: 310.477.1699

5 Attorneys for Plaintiffs, RICHARD CLYMORE  
and DEBRA HARBIN-CLYMORE  
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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**  
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11 RICHARD CLYMORE, an individual;  
DEBRA HARBIN-CLYMORE, an  
12 individual,

13 Plaintiffs,

14 v.

15 FEDERAL RAILROAD  
ADMINISTRATION, a Federal Public  
16 Entity; CHARLES MARK HAGOOD,  
an individual; and DOES 1 through 10,  
17 inclusive,

18 Defendants.

Case No. 1:14-cv-00101 AWI/SMS

[Hon. Anthony W. Ishii, Courtroom 2]

**ORDER ON STIPULATION TO  
WITHDRAW ALLEGATIONS OF  
NEGLIGENT ENTRUSTMENT  
FROM COUNT ONE, WITHOUT  
PREJUDICE, AND WITHDRAW  
COUNT TWO OF PLAINTIFFS'  
COMPLAINT WITHOUT  
PREJUDICE, AND TAKE  
DEFENDANTS' MOTION TO  
DISMISS OFF CALENDAR,  
WITHOUT PREJUDICE**

Trial Date: None

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21 The Court has read and considered the foregoing Stipulation.

22 IT IS HEREBY ORDERED THAT:

23 1. Plaintiffs withdraw allegations of negligent entrustment by the Federal  
24 Railroad Administration from Count One of Plaintiffs' Complaint, without  
25 prejudice.

26 2. Plaintiffs withdraw Count Two of the Plaintiffs' Operative Complaint for  
27 Neligent Hiring / Training / Retention / Supervision, without prejudice.

28 3. The Motion to Dismiss Count Two the Plaintiffs' Operative Complaint for

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310.477.1700 phone • 310.477.1699 fax

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lack of subject matter jurisdiction, filed by Defendant United States, is taken off  
calendar, without prejudice.

IT IS SO ORDERED.

Dated: November 3, 2014

  
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SENIOR DISTRICT JUDGE