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INC. dba ITT TECHNICAL INSTITUTE

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

17 SCOTT LINENBROKER, an individual,  
18 Plaintiff,

19 v.

20 ITT EDUCATIONAL SERVICES, INC. dba  
21 ITT TECHNICAL INSTITUTE, a California  
Corporation and DOES 1-50,  
22 Defendant.

Case No. 1:14-CV-00207-LJO-GSA

**STIPULATION AND ORDER RE.  
FILING OF AMENDED COMPLAINT**

Action Filed: January 16, 2014 (Fresno  
Superior Court)

Removed: February 18, 2014

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25 IT IS HEREBY AGREED by all parties that the proposed AMENDED COMPLAINT  
26 that was attached to the Joint Scheduling Conference Report filed in this case on July 9, 2014 is  
27 deemed filed as of the date that this order is filed by the Court.  
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1 Dated: July 14, 2014

MICHAEL J.F. SMITH, A PROFESSIONAL  
CORPORATION

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By: /s/ Michael J. F. Smith  
Michael J.F. Smith  
John L. Migliazzo  
Attorneys for Plaintiff SCOTT LINENBROKER

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8 Dated: July 14, 2014

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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By: /s/ David R. McNamara  
David R. McNamara  
Deborah A. Byron  
Attorneys for Defendant ITT EDUCATIONAL  
SERVICES, INC. dba ITT TECHNICAL  
INSTITUTE

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**ORDER**

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The Court adopts the parties' stipulation set forth above. Accordingly, the Amended Complaint is deemed filed and served as of the date of issuance of this Order. For purposes of clarifying the record, the Clerk of the Court is directed to file the Amended Complaint as a separate entry on the docket. (Doc. 16-1). Defendant shall file a responsive pleading within 21 days from the date of this Order.

IT IS SO ORDERED.

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Dated: **July 17, 2014**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE