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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 CYNTHIA TOSTE, an individual, MEA  
9 COLE, a minor, through her Guardian Ad  
10 Litem, JENNIFER TOSTE, and JENNIFER  
11 TOSTE, an individual,

12 Plaintiff,

13 v.

14 BLAZE MICHAEL GOTTFRIED, an  
15 individual; GELCO CORPORATION, a  
16 Delaware corporation, APRIA  
HEALTHCARE, LLC, a limited liability  
corporation, and DOES 1 through 50,  
inclusive,

Defendants.

CASE NO. 1:15-CV-775 - SMS

ORDER DISMISSING DEFENDANT  
GELCO CORPORATION AND STRIKING  
PUNITIVE DAMAGES CLAIM

17 Pursuant to Plaintiffs' voluntary dismissal of Defendant Gelco Corporation and voluntary  
18 dismissal of their claims for punitive damages against the remaining defendants (Doc. 10), and  
19 pursuant to the Federal Rules of Civil Procedure Rules 41(a) and 12(b), the Court hereby

20 ORDERS:

- 21 1. Defendant Gelco Corporation is DISMISSED without prejudice from this action; and  
22 2. Plaintiffs' claims for punitive damages are STRICKEN from Plaintiffs' complaint.

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24 IT IS SO ORDERED.

25 Dated: June 24, 2015

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE

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