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15 **UNITED STATES DISTRICT COURT**
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17 **EASTERN DISTRICT OF CALIFORNIA**
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19 AARON BAPTISTE, JOSEPH BAPTISTE,
20 DAVID DILLWORTH, KENNETH
21 DILLWORTH, MARVIN HARRIS, and
22 HERMAN ST. BRICE,

23 Plaintiffs,

24 vs.

25 KS INDUSTRIES, LP,

26 Defendant.

Case No. 1:18-cv-00016-AWI-JLT

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION TO
SUBSTITUTE KS INDUSTRIES, LLC
FOR DEFENDANT KS INDUSTRIES,
LP**

Complaint Filed: January 3, 2018

Trial Date: October 22, 2019

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PROPOSED ORDER

Having reviewed the Joint Stipulation to Substitute KS Industries, LLC for Defendant KS Industries, LP, the Court **HEREBY ORDERS:**

1. KSI, LP is deemed to be dismissed without prejudice from this action in its entirety, and KSI, LLC is substituted in its place as a new Defendant;

2. The Answer on file is deemed to be amended as filed on behalf of KS Industries, LLC and not KSI, LP;

3. KS Industries, LLC is hereby precluded from arguing that the doctrine of administrative exhaustion of remedies applies to Plaintiffs' claims in this case as a result of this substitution of defendants; and

4. In the event that Plaintiffs secure monetary relief in this action against KS Industries, LLC, and KS Industries, LLC does not fulfill any monetary relief obligations it has in this action, Plaintiffs may seek that same monetary relief against KS Industries, LP.

IT IS SO ORDERED.

Dated: September 10, 2018



SENIOR DISTRICT JUDGE