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15 BOBBY EAKES

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(FRESNO DIVISION)

BOBBY EAKES

Plaintiff,

v.

LEPRINO FOODS COMPANY

Defendant.

Case No: 1:18-cv-00335-LJO-SKO

**STIPULATION AND ORDER GRANTING
DEFENDANT LEAVE TO FILE THIRD
PARTY COMPLAINT AGAINST PHILLIP
GORDON COLLINS, DBA COLLINS AIR
AND GRANTING PLAINTIFF LEAVE TO
FILE AN AMENDED COMPLAINT**

(Doc. 15)

Action Filed: February 1, 2018

COMES NOW, plaintiff, BOBBY EAKES (hereinafter “Plaintiff”) and defendant, LEPRINO FOODS COMPANY (hereinafter “LFC” or “Defendant”), by and through their respective undersigned counsel, and stipulate as follows for an order granting Defendant leave to file its Third-

1 Party Complaint against PHILLIP GORDON COLLINS, DBA COLLINS AIR (Hereinafter “Collins
2 Air”), and granting Plaintiff leave to file an amended complaint.

3 WHEREAS, this is a personal injury case in which Plaintiff claims he was injured while in the
4 course of his employment with Collins Air.

5 WHEREAS, based on information recently learned through discovery, Plaintiff now seeks to
6 amend its complaint to name the manufacturer and installer of the ladder, where the injury allegedly
7 occurred.

8 WHEREAS, based on information recently learned through discovery, and the written terms
9 of the contract between Defendant and Collins Air, Defendant now seeks leave to implead Collins Air,
10 the employer of Plaintiff at the time of his alleged injury, as a third party defendant.

11 WHEREAS, Plaintiff does not object to the impleader of Collins Air.

12 WHEREAS, Defendant does not object to Plaintiff amending the complaint to name the
13 manufacturer and installer of the ladder.

14 NOW THEREFORE, Plaintiff and LFC stipulate and respectfully request that the Court enter
15 an order granting LFC leave to a Third-Party Complaint against Collins Air, and granting Plaintiff
16 leave to amend the complaint.

17
18 Dated: October 17, 2018

JACOBSON MARKHAM, L.L.P.

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20 By /s/ Patrick T. Markham
21 PATRICK T. MARKHAM, ESQ.
22 Attorneys for Defendant
LEPRINO FOODS COMPANY

23 Dated: October 17, 2018

HERR PEDERSON & BERGLUND LLP

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25 By /s/ Alex E. Thompson
26 ALEX E. THOMPSON
27 Attorneys for Plaintiff
BOBBY EAKES

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ORDER

Good cause having been shown based on the stipulation of the parties (Doc. 15), the Court hereby orders as follows:

1. Defendant Leprino Foods Company is granted leave to file its Third-Party Complaint against Phillip Gordon Collins, dba Collins Air, within ten (10) days from the date of this Order; and
2. Plaintiff Bobby Eakes is granted leave to file its amended complaint within twenty (20) days from the date of this Order.

IT IS SO ORDERED.

Dated: **October 19, 2018**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE