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 9 Attorneys for Defendant, CONTINENTAL TIRE NORTH AMERICA, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 DONALD HAYES ALBEE

13 Plaintiff,

14 vs.

15 CONTINENTAL TIRE NORTH
 16 AMERICA, INC., An Ohio Corporation,
 17 and FORD MOTOR COMPANY, INC. a
 18 Delaware Corporation,

19 Defendants.

Case No.: **2:09-CV-01145-LKK-EFB**

**STIPULATION FOR THE
 DISMISSAL OF PLAINTIFF'S
 CLAIM FOR PUNITIVE DAMAGES
 AGAINST DEFENDANT
 CONTINENTAL TIRE NORTH
 AMERICA, INC.**

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 22 **TO THE HONORABLE COURT, ALL PARTIES AND TO THEIR**
 23 **ATTORNEYS OF RECORD:**

24 **IT IS HEREBY STIPULATED** by and between plaintiff, by and through his
 25 attorneys of record, W Randolph Barnhart, PC and defendant Continental Tire North
 26 America, Inc. ("CTNA") by and through its attorneys of record, Yoka & Smith, LLP,
 27 as follows:
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1. Plaintiff agrees to the dismissal, without prejudice, of his claim for punitive damages against CTNA as reflected in Count 5, paragraphs 41-45, and the prayer for relief in the Complaint (Docket No. 1);

DATED: October 6, 2010

W. RANDOLPH BARNHART, PC

BY: /s/
RANDOLPH BARNHART
Attorneys for Plaintiff,
DONALD HAYES ALBEE

DATED: October 7, 2010

YOKA & SMITH, LLP

BY: /s/
WALTER M. YOKA
ANTHONY F. LATIOLAIT
BRET R. HENRY
Attorneys for Defendant,
CONTINENTAL TIRE NORTH
AMERICA, INC.

IT IS SO ORDERED:

Dated: October 12, 2010


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT