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8 Attorneys for Defendants
 9 MARIO P. SATTAH, M.D., LINCOLN RUSSIN, M.D.
 10 AND JAMES P. OWEN, M.D.

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA OF CALIFORNIA

13	LINNIE STAGGS, as Administrator of)	Case No. 2:11-CV-00414-MCE-KJN
14	the ESTATE OF ROBERT E. STAGGS,)	
15	deceased, and MELISSA STAGGS)	ORDER
16)	
17	Plaintiff(s),)	
18)	
19	vs.)	
20)	
21	DOCTOR'S HOSPITAL OF)	
22	MANTECA, INC., IVAN CLAY,)	
23	Warden, TIM VIRGA, Interim Warden,)	
24	FRANK X. CHAVEZ, Warden,)	
25	SHARON AUNGST, JACK ST.)	
26	CLAIR, M.D., CURTIS ALLEN, M.D.,)	
27	EDWIN BANGI, M.D., JOHN KRPAN,)	
28	D.O., JONATHAN BENAK, PA,)	
	LINCOLN RUSSIN, M.D., JAMES P.)	
	OWEN, M.D., MARIO P. SATTAH,)	
	M.D. and DOES 1 through 100,)	
	inclusive)	
)	
	Defendant(s).)	
)	

29 The stipulation of counsel having been read and considered and good cause appearing, the
 30 following is ordered:

- 31 1. The first, second, fourth, and fifth claims for relief do not apply to defendants
 32 Lincoln Russin, M.D., James P. Owen, M.D. and Mario P. Sattah, M.D. The sixth claim for relief
 33 does not apply to defendants Lincoln Russin, M.D., and James P. Owen, M.D.

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1 2. Pursuant to Code of Civil Procedure §377.34, decedent's estate is not entitled to
2 recover damages for pain, suffering, or emotional distress, that decedent incurred prior to his death
3 against defendants Lincoln Russin, M.D., James P. Owen, M.D. and Mario P. Sattah, M.D. These
4 damages do not survive the death of decedent in the state law negligence claims, and only
5 negligence claims are alleged against defendants Lincoln Russin, M.D., James P. Owen, M.D. and
6 Mario P. Sattah, M.D. in the first amended complaint.

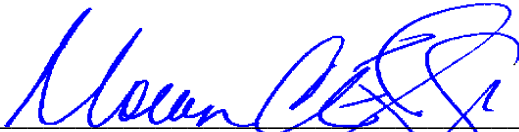
7 3. Plaintiffs do not seek an award of punitive damages against defendants Lincoln
8 Russin, M.D., James P. Owen, M.D. and Mario P. Sattah, M.D. in the first amended complaint.

9 4. Plaintiffs do not seek an award of attorney's fees against defendants Lincoln Russin,
10 M.D., James P. Owen, M.D. or Mario P. Sattah, M.D. in the first amended complaint.

11 5. This order applies only to plaintiffs' claims against defendants Russin, Owen, and
12 Sattah, and is not intended to apply to any of plaintiffs' claims against other defendants in this
13 action.

14 6. The defendants Russin, Owen and Sattah are granted an extension of time to file a
15 responsive pleading to the first amended complaint until 10 days after the date of this order.

16 Dated: July 8, 2011

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19 _____
20 MORRISON C. ENGLAND, JR
21 UNITED STATES DISTRICT JUDGE
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