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7 **UNITED STATES DISTRICT COURT**
 8
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 LINNIE STAGGS, as Administrator of the)	Case No. 2:11-CV-00414-MCE-KJN
11 ESTATE OF ROBERT E. STAGGS,)	
12 deceased, and MELISSA STAGGS)	ORDER ON STIPULATION
13)	CLARIFYING PORTIONS OF
14 Plaintiffs)	PLAINTIFFS' FIRST AMENDED
15)	COMPLAINT AS TO DEFENDANT
16 -vs-)	DOCTORS HOSPITAL OF MANTECA
17)	
18 DOCTORS HOSPITAL OF MANTECA,)	
19 INC.; IVAN D. CLAY, Warden; TIM)	
20 VARGA, Interim Warden; FRANK X)	
21 CHAVEZ, Warden; SHARON AUNGST;)	
22 JACL ST. CLAIR, MD.; CURTIS ALLEN,)	
23 M.D.; EDWIN BANGI, M.D.; JOHN)	
24 KRPAN, D.O.; JONATHAN BENAK,)	
25 P.S.; LINCOLN RUSSIN, M.D.; JAMES)	
26 P. OWEN, M.D.; MARIO P. SATTAH,)	
27 M.D.; and DOES 1 Through 100, Inclusive)	
28)	
29 Defendants.)	
30)	

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

- 33 1. The first, second, fourth, and fifth claims for relief do not apply to Defendant
 34 DHM.

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2. Pursuant to C.C.P. §377.34, the Decedent's estate is not entitled to recover damages for pain, suffering, or emotional distress, that Decedent incurred prior to his death against Defendant DHM. These damages do not survive the death of Decedent in the state law negligence claims, and only state law negligence claims are alleged against Defendant DHM in Plaintiffs' First Amended Complaint.

3. Plaintiffs do not seek an award of punitive damages against Defendant DHM in their First Amended Complaint.

4. Plaintiffs do not seek an award of attorneys' fees against Defendant DHM in their First Amended Complaint.

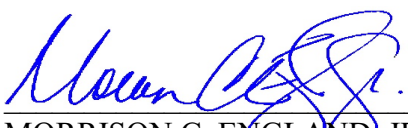
5. This stipulation only applies to Plaintiffs' claims against Defendant DHM and is not intended to apply to any of Plaintiffs' claims against other defendants in this action.

6. The parties to this stipulation agree that the Motion to Dismiss of Defendant DHM, presently set for hearing on September 29, 2011, will be vacated upon the entry of this Order.

7. The parties to this stipulation agree that Defendant DHM shall file a responsive pleading to the First Amended Complaint within 10 days of the date of this Order.

IT IS SO ORDERED.

Dated: September 12, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE