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 AND JAMES P. OWEN, M.D.

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 8
 9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA OF CALIFORNIA

11 LINNIE STAGGS, as Administrator of) Case No. 2:11-CV-00414-MCE-KJN
 12 the ESTATE OF ROBERT E. STAGGS,)
 deceased, and MELISSA STAGGS) ORDER

13 Plaintiff(s),)

14 vs.)

15 DOCTOR'S HOSPITAL OF)
 16 MANTECA, INC., IVAN CLAY,)
 Warden, TIM VIRGA, Interim Warden,)
 17 FRANK X. CHAVEZ, Warden,)
 SHARON AUNGST, JACK ST.)
 18 CLAIR, M.D., CURTIS ALLEN, M.D.,)
 EDWIN BANGI, M.D., JOHN KR PAN,)
 19 D.O., JONATHAN BENAK, PA,)
 LINCOLN RUSSIN, M.D., JAMES P.)
 20 OWEN, M.D., MARIO P. SATTAH,)
 M.D. and DOES 1 through 100,)
 21 inclusive)

22 Defendant(s).)

23
 24 The stipulation of counsel having been read and considered and good cause appearing, the
 25 following is ordered:

26 The following portions of plaintiff's Second Amended Complaint do not apply as against
 27 Lincoln Russin, M.D., James P. Owen, M.D., and Mario P. Sattah, M.D.:

- 28 1. Pursuant to Code of Civil Procedure §377.34, decedent's estate is not entitled to

1 recover damages for pain, suffering, or emotional distress, that decedent incurred prior to his death
2 against defendants Lincoln Russin, M.D., James P. Owen, M.D. and Mario P. Sattah, M.D. These
3 damages do not survive the death of decedent in the state law negligence claims, and only
4 negligence claims are alleged against defendants Lincoln Russin, M.D., James P. Owen, M.D. and
5 Mario P. Sattah, M.D. in the second amended complaint.

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


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

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

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

15 IT IS SO ORDERED.

16
17 Dated: May 18, 2012

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