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5 Attorneys for Defendants
 Union Fidelity Insurance Company, Employers
 6 Reassurance Corporation, General Electric
 Company and Wells Fargo Insurance, Inc.
 7 (erroneously sued herein as "Wells Fargo")

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)

11 ALICIA SALAZAR,
 12 Plaintiff,
 13 v.
 14 UNION FIDELITY INSURANCE
 15 COMPANY, WELLS FARGO,
 EMPLOYERS REASSURANCE
 16 CORP., GENERAL ELECTRIC
 COMPANY, and DOES 1 through 150,
 17 inclusive,
 18 Defendants.

Case No. 2:11-CV-00495-KJM-GGH
 Judge: Kimberly J. Mueller
 Courtroom: 3

**STIPULATION AND ORDER RE
 DISMISSAL OF CERTAIN CAUSES
 OF ACTION AND CLAIMS FROM
 COMPLAINT**

19 The parties, having met and conferred through their counsel on the issues
 20 raised in defendants' pending motion to dismiss, hereby stipulate as follows:

- 21 1. Defendants Employers Reassurance Corporation and General Electric
 22 Company are dismissed from this action without prejudice;
- 23 2. The Complaint's first cause of action for breach of contract and second
 24 cause of action for breach of the implied covenant of good faith and fair dealing are
 25 dismissed without prejudice;
- 26 3. The Complaint's punitive ("exemplary") damages claim (Prayer, 8:24)
 27 is dismissed without prejudice;

1 4. The Complaint’s attorneys’ fees claim (Complaint, ¶¶ 42, 43 and
2 Prayer, 9:1) is dismissed without prejudice;

3 5. The claim for disgorgement of profits in paragraph 41 of the
4 Complaint is dismissed without prejudice;

5 6. The claims for consequential and emotional distress damages in the
6 Complaint’s third cause of action for “Unfair Business Practice” (Complaint, ¶¶ 43,
7 44) are dismissed without prejudice.

8 The parties further stipulate that, if the Court signs the proposed order
9 submitted with this stipulation (the “order”), defendants’ pending motion to dismiss
10 shall be taken off calendar, and the remaining defendants, Union Fidelity Insurance
11 Company and Wells Fargo Insurance, Inc. (erroneously sued and served herein as
12 “Wells Fargo”), shall answer the Complaint within 14 days after the Court signs the
13 order.

14 Should plaintiff wish to bring any of these dismissed items back into this
15 case, a noticed motion for leave to amend must be made in accordance with the
16 Federal Rules of Civil Procedure.

17 **IT IS SO STIPULATED**

18 Dated: March ___, 2011 DEMLER, ARMSTRONG & ROWLAND, LLP

19
20 By: /s/ James P. Lemieux

21 James P. Lemieux
22 David A. Ring
23 Attorneys for Defendants
24 Union Fidelity Insurance Co., Employers Reassurance
25 Corporation, General Electric Company and Wells
26 Fargo Insurance, Inc. (erroneously sued herein as
27 “Wells Fargo”)

28 Dated: March ___, 2011 HELLER & HIBBERT, LLP

By: /s/ Steven M. Heller

 Steven M. Heller
Attorneys for Plaintiff Alicia Salazar

1 **ORDER**

2 Having considered the foregoing stipulation, and good cause appearing
3 therefor, the Court hereby orders as follows:

4 1. Defendants Employers Reassurance Corporation and General Electric
5 Company are dismissed from this action without prejudice;

6 2. The Complaint's first cause of action for breach of contract and second
7 cause of action for breach of the implied covenant of good faith and fair dealing are
8 dismissed without prejudice;

9 3. The Complaint's punitive ("exemplary") damages claim (Prayer, 8:24)
10 is dismissed without prejudice;

11 4. The Complaint's attorneys' fees claim (Complaint, ¶¶ 42, 43 and
12 Prayer, 9:1) is dismissed without prejudice;

13 5. The claim for disgorgement of profits in paragraph 41 of the
14 Complaint is dismissed without prejudice;

15 6. The claims for consequential and emotional distress damages in the
16 Complaint's third cause of action for "Unfair Business Practice" (Complaint, ¶¶ 43,
17 44) are dismissed without prejudice.

18 Further, defendants' pending motion to dismiss, currently set for hearing on
19 April 27, 2011, is hereby taken off calendar, and the remaining defendants, Union
20 Fidelity Insurance Company and Wells Fargo Insurance, Inc., shall answer the
21 Complaint within 14 days hereafter. Should plaintiff wish to bring any of the
22 dismissed items back into this case, a noticed motion for leave to amend must be
23 made in accordance with the Federal Rules of Civil Procedure.

24 The Court's order to show cause filed on March 31, 2011 (ECF 11) is hereby
25 DISCHARGED.

26 **IT IS SO ORDERED**

27 Date: April 21, 2011.

28 
UNITED STATES DISTRICT JUDGE