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8 **Attorneys for Plaintiff, MARSHALL LOSKOT**

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

11 **MARSHALL LOSKOT,**

12 **Plaintiff,**

13 **v.**

14 **CHAD HYLTON, ADAM SIMAS, dba**
15 **HAMPTON COLLECTIVE, M & M**
16 **PARTNERSHIP, and DOES ONE through**
FIFTY, inclusive,

Defendants.

Case No. 2:11-CV-00569 GEB GGH

STIPULATION TO ALLOW FILING OF
SECOND AMENDED COMPLAINT
and (proposed) ORDER

17 Plaintiff, MARSHALL LOSKOT, filed his complaint on March 1, 2011, and immediately
18 filed an AMENDED COMPLAINT to correct the spelling of named Defendant CHAD HILTON to
19 CHAD HYLTON. The Amended complaint was served on Defendants and Defendant M & M
20 PARTNERSHIP filed its answer on March 24, 2011.

21 No responsive pleading was received from Defendants CHAD HYLTON or ADAM
22 SIMAS and Plaintiff's counsel wrote Defendants a letter advising Plaintiff would take their
23 default if no responsive pleading was filed. Plaintiff's counsel was contacted by Defendants
24 representative advising the subject business was owned and operated by THE HAMPTON
25 COLLECTIVE, a California corporation, and not by the named individuals.

26 Plaintiff desires to file a Second Amended Complaint removing the individuals CHAD
27 HYLTON and ADAM SIMAS and inserting THE HAMPTON COLLECTIVE, a California
28 corporation, in their place and stead. No other changes will be made to the complaint. A copy

1 of the proposed Second Amended Complaint is attached hereto as Exhibit A.

2 Defendant M & M PARTNERSHIP stipulates that Plaintiff may file the Second Amended
3 Complaint and Plaintiff stipulates that M & M PARTNERSHIP shall not be required to file an
4 Answer to the Second Amended Complaint and that its Answer filed March 24, 2011, is
5 accepted as responsive to the Second Amended Complaint.

6 **SINGLETON LAW GROUP**

7
8 Dated: May 16, 2011

/s/ Jason K. Singleton
Jason K. Singleton, Attorney for Plaintiff,
9 **MARSHALL LOSKOT**

10 **LAW OFFICES OF GARY BYRON ROACH**

11
12 Dated: May 16, 2011

/s/ Gary Byron Roach
Gary Byron Roach, Attorney for Defendant
13 M & M PARTNERSHIP

14
15 **ORDER**

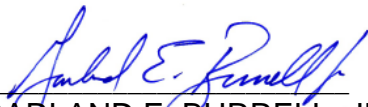
16 Based on the foregoing stipulation and good cause appearing,

17 1. Plaintiff may file a Second Amended Complaint and the Clerk is directed to issue
18 a Summons for Defendant THE HAMPTON COLLECTIVE, a California corporation.

19 2. Defendant M & M PARTNERSHIP shall not be required to file an Answer to the
20 Second Amended Complaint, its Answer filed March 24, 2011, is accepted as responsive to the
21 Second Amended Complaint.

22 **IT IS SO ORDERED.**

23 **Date: 5/17/2011**

24 
25 **GARLAND E. BURRELL, JR.**
United States District Judge