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8 Attorneys for Defendants,
 9 **SMITH & NEPHEW, INC.**

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 LOREN HENRY,
 14 Plaintiff,

15 vs.

16 SMITH & NEPHEW, INC.
 17 Defendants.

Case No. 2:11-CV-01014-KJM-CMK
 Complaint Filed: March 14, 2011

**STIPULATION TO STRIKE
 PLAINTIFF'S EIGHTH AND
 NINTH CAUSE OF ACTION FOR
 FRAUD AND PUNITIVE
 DAMAGES AND ORDER
 THEREON**

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 20 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**
 21 **RECORD:**

22 **COMES NOW** Defendant Smith & Nephew, Inc. and Plaintiff Loren Henry
 23 and for good consideration stipulate as follows:

24 1. Plaintiff's Eighth Cause of Action for Punitive Damages in his product
 25 liability lawsuit is hereby stricken, without prejudice, including but not limited to
 26 Paragraphs 65 through 68 of the Complaint and the Prayer for Relief, Paragraph 6,
 27 page 14, Line 13 of the Complaint.

1 2. Plaintiff's Ninth Cause of Action for Fraud is hereby stricken, without
2 prejudice, including but not limited to Paragraphs 69 through 76 of the Complaint.
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4 Dated: June 6, 2011

MORRIS POLICH & PURDY LLP

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6 By: /s/ John W. Shaw

John W. Shaw

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Holiday D. Powell

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Attorneys for Defendants,

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SMITH & NEPHEW, INC

10 Dated: June 1, 2011

ALTEMUS & WAGNER

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12 By: /s/ Stewart C. Altemus (as authorized
on June 1, 2011

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Stewart C. Altemus, Esq.

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Attorney for Plaintiff,

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LOREN HENRY

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IT IS SO ORDERED.

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18 Dated: June 17, 2011.


UNITED STATES DISTRICT JUDGE

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