

1 DARYL S. LANDY, State Bar No. 136288
 2 MORGAN, LEWIS & BOCKIUS LLP
 3 5 Park Plaza, Suite 1750
 4 Irvine, CA 92614
 5 Tel: 949.399.7000
 6 Fax: 949.399.7001
 7 E-mail: dlandy@morganlewis.com

8 MICHAEL D. SCHLEMMER, State Bar No. 250000
 9 MORGAN, LEWIS & BOCKIUS LLP
 10 2 Palo Alto Square
 11 3000 El Camino Real, Suite 700
 12 Palo Alto, CA 94306
 13 Tel: 650.843.4000
 14 Fax: 650.843.4001
 15 E-mail: mschlemmer@morganlewis.com

16 Attorneys for Defendants
 17 NOVO NORDISK INC. and MARGO VOLPE

18 BRIAN D. SUDANO, State Bar No. 255427
 19 SUDANO LAW FIRM
 20 540 Lennon Lane
 21 Walnut Creek, CA 94598
 22 Tel: 925.849.4183
 23 Fax: 925.849.4185
 24 E-mail: bsudano@sudanolaw.com

25 Attorneys for Plaintiff
 26 LISA PETITJEAN

27 UNITED STATES DISTRICT COURT
 28 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

29 LISA PETITJEAN,
 30
 31 Plaintiff,
 32
 33 vs.
 34 NOVO NORDISK INC., MARGO VOLPE,
 35 and DOES 1 through 100,
 36
 37 Defendants.

Case No. 2:13-cv-02223-TLN-AC

**STIPULATION AND ORDER FOR
 LEAVE TO FILE SECOND AMENDED
 COMPLAINT**

1 Plaintiff Lisa Petitjean (“Plaintiff”) and Defendants Novo Nordisk Inc. (“Novo Nordisk”)
2 and Margo Volpe (“Volpe”) (collectively, “Defendants”), by and through their respective
3 counsel, hereby stipulate as follows:

4 WHEREAS, Plaintiff and Defendants have met and conferred regarding potential pleading
5 deficiencies in the ninth cause of action for intentional infliction of emotional distress and the
6 tenth cause of action for defamation per se in Plaintiff’s First Amended Complaint (“FAC”);

7 WHEREAS, Plaintiff has agreed to amend her FAC to plead particularized facts in her
8 intentional infliction of emotional distress and defamation per se causes of action;

9 WHEREAS, in exchange, Defendants have agreed not to oppose Plaintiff’s pending
10 motion for remand and will file a statement of non-opposition to Plaintiff’s remand motion,
11 attached hereto as Exhibit A;

12 WHEREAS, Plaintiff and Defendants agree that Defendants do not need to file a
13 responsive pleading to the FAC in federal or state court;

14 WHEREAS, within fourteen days of this case being remanded to Sacramento County
15 Superior Court, Plaintiff will amend the FAC to plead particularized facts in her intentional
16 infliction of emotional distress and defamation per se causes of action;

17 WHEREAS, Defendants expressly reserve and do not waive their right to file a demurrer
18 to any cause of action in Plaintiff’s Second Amended Complaint (“SAC”);

19 WHEREAS, Defendants expressly reserve and do not waive their right to remove this
20 action should it become removable again at some later date;

21 NOW THEREFORE, the Parties hereby stipulate and agree as follows:

- 22 1. Defendants will not oppose Plaintiff’s pending motion to remand and will file a
23 statement of non-opposition to the remand motion;
- 24 2. Defendants need not file a responsive pleading to the FAC in federal or state court;
- 25 3. Upon remand, Plaintiff will file a SAC in Sacramento County Superior Court that
26 will include pleading of particularized facts in her ninth cause of action for intentional infliction
27 of emotional distress and tenth cause of action for defamation per se;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Defendants reserve and do not waive their right to file a demurrer to the SAC; and

5. Defendants reserve and do not waive their right to remove this action should it become removable again at some later date.

IT IS SO STIPULATED.

Dated: December 3, 2013 MORGAN, LEWIS & BOCKIUS LLP

By /S/ Daryl S. Landy
Michael D. Schlemmer
Attorneys for Defendants
NOVO NORDISK INC. and MARGO VOLPE

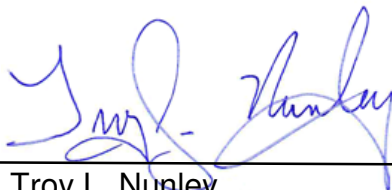
Dated: December 3, 2013 SUDANO LAW FIRM

By /S/ Brian D. Sudano (authorized on 12/3/13)
Brian D. Sudano
Attorneys for Plaintiff
LISA PETITJEAN

ORDER ON STIPULATION

IT IS SO ORDERED.

DATED: December 4, 2013



Troy L. Nunley
United States District Judge