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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RANDY BLANKENCHIP and
SUSAN BLANKENCHIP

Plaintiffs,

vs.

CITIMORTGAGE, INC.; CAL-
WESTERN RECONVEYANCE, LLC; and
Does 1 through 50, inclusive,

Defendants.

Case No.: 2:14-cv-02309-WBS-AC

Assigned to Hon. William B. Shubb,
Courtroom 5

**ORDER APPROVING
STIPULATION RE: PLAINTIFF
SUSAN BLANKENCHIP'S CLAIM
FOR INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

[Filed concurrently with Stipulation]

Complaint filed: August 25, 2014
Trial date: June 7, 2016

The Court APPROVES the stipulation by and between Plaintiff Susan Blankenchip and Defendant CitiMortgage, Inc. concerning Mrs. Blankenchip's claim for emotional distress.

IT IS HEREBY ORDERED that:

1. Mrs. Blankenchip's seventh claim for intentional infliction of emotional distress is hereby dismissed with prejudiced.

2. Mrs. Blankenchip's claims and causes of action for damages against Defendant CitiMortgage, Inc. arising from or relating to emotional distress are hereby

1 waived.

2 3. Mrs. Blankenchip's claim for *garden variety* pain and suffering is not
3 dismissed or waived.

4 4. Mrs. Blankenchip shall not introduce or present at trial any opinion or
5 testimony by a purported expert witness, whether retained or non-retained, in support of
6 her claim for *garden variety* (whatever that means) pain and suffering.

7 5. Mrs. Blankenchip shall not introduce or present at trial any writing by a
8 purported expert witness, whether retained or non-retained, in support of her claim for
9 such *garden variety* pain and suffering.

10 6. Mrs. Blankenchip shall not introduce or present at trial any opinion or
11 testimony by any treating physician, medical doctor, nurse, physical therapist, medical
12 provider, or similar individual, whether retained or non-retained, in support of her claim
13 for *garden variety* pain and suffering.

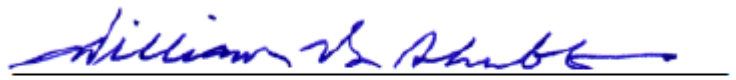
14 7. Mrs. Blankenchip shall not introduce or present at trial any medical records
15 or similar document or evidence in support of her claim for *garden variety* pain and
16 suffering.

17 8. Defendant CitiMortgage, Inc. shall not be permitted to conduct any mental
18 examination of Mrs. Blankenchip.

19 9. If defendant should seek to offer at trial any opinion or expert testimony,
20 writings or records of pain or suffering, the court will determine at that time whether
21 such testimony, writings or records pertain to *garden variety* or other type of pain and
22 suffering.

23 **IT IS SO ORDERED.**

24
25 Dated: February 19, 2016


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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Respectfully submitted,

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Attorneys for Defendant
CITIMORTGAGE, INC.

1 **PROOF OF SERVICE**

2 I am employed in the City and County of Los Angeles, California. I am over the
3 age of 18 and not a party to the within action. My business address is 725 South
4 Figueroa Street, 38th Floor, Los Angeles, CA 90017.

5 On **February 19, 2016**, I served the following documents

6 **(PROPOSED) ORDER APPROVING STIPULATION RE: PLAINTIFF SUSAN
7 BLANKENCHIP'S CLAIM FOR INTENTIONAL INFLICTION OF
8 EMOTIONAL DISTRESS**

9 on the interested parties in this action by placing true copies thereof enclosed in sealed
10 envelopes addressed as follows:

11 Stephen J. Foondos, Esq.
12 Andre M. Chernay, Esq.
13 **UNITED LAW CENTER**
14 3013 Douglas Blvd., Suite 200
15 Roseville, California 95661
16 Tel: (916) 367-0630
17 Fax: (916) 265-9000
18 Email: achernay@unitedlawcenter.com

Attorneys for Plaintiffs
**RANDY BLANKENCHIP and
SUSAN BLANKENCHIP**

19 (CM/ECF Electronic Filing) I caused the above document(s) to be
20 transmitted to the office(s) of the addressee(s) listed above by electronic
21 mail at the e-mail address(es) set forth above pursuant to
22 Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated
23 automatically by the ECF system upon completion of an electronic filing.
24 The NEF, when e-mailed to the e-mail address of record in the case, shall
25 constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy
26 of the NEF shall be attached to any document served in the traditional
27 manner upon any party appearing pro se."

28 I declare under penalty of perjury that I am employed in the office of a member
of the bar of this Court at whose direction this service was made and that the
foregoing is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of
this Court at whose direction the service was made. I declare under
penalty of perjury under the laws of the United States of America
that the above is true and correct.

Executed on **February 19, 2016**, at Los Angeles, California.

Robert R. Yap

(Type or print name)

/s/ Robert R. Yap

(Signature)