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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LESLIE PELLING,
Plaintiff,

v.

AMTRAK, INC. and CITY OF
SACRAMENTO,
Defendants.

Case No.: 2:15-cv-01378-MCE-KJN

**ORDER ON JOINT STIPULATED
MOTION TO DISMISS
PLAINTIFF’S COMPLAINT
AGAINST DEFENDANT
NATIONAL RAILROAD
PASSENGER CORPORATION
ONLY, WITH PREJUDICE,
PURSUANT TO FRCP RULE
41(a)(1)(A)(ii), AND TO DISMISS
CROSS-CLAIMANT’S CROSS-
CLAIM AGAINST THE CITY OF
SACRAMENTO PURSUANT TO
FRCP RULE 41(a)(1)(A)(ii) and
41(c)**

THE COURT, having reviewed and approved the Joint Stipulated Motion to Dismiss Plaintiff’s Complaint against Defendant National Railroad Passenger Corporation only, with prejudice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(ii), and to dismiss Cross-Claimant National Railroad Passenger Corporation’s cross-claim against Cross-Defendant the City of Sacramento, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(ii) and 41(c), orders as follows:

1 IT IS ORDERED THAT the Joint Stipulated Motion to Dismiss is approved.

2 The Court dismisses Plaintiff's Civil Complaint in United States District Court
3 Case Number 2:15-CV-01378-MEC-KJN only as to Defendant NATIONAL
4 RAILROAD PASSENGER CORPORATION, service mark AMTRAK, erroneously
5 sued and served as Amtrak, Inc., with prejudice. Plaintiff and Defendant
6 NATIONAL RAILROAD PASSENGER CORPORATION, service mark
7 AMTRAK, each shall waive and bear their own costs, expenses, and attorneys' fees
8 with respect to any claims they have or had against each other.

9 The Court also dismisses Cross-Claimant NATIONAL RAILROAD
10 PASSENGER CORPORATION, service mark AMTRAK's cross-claim in United
11 States District Court Case Number 2:15-CV-01378-MEC-KJN against Cross-
12 Defendant the CITY OF SACRAMENTO, with each side to waive and bear its own
13 attorneys' fees, costs, and expenses. The CITY OF SACRAMENTO shall not file
14 any adverse action against NATIONAL RAILROAD PASSENGER
15 CORPORATION, service mark AMTRAK, arising from or related to Plaintiff's
16 claims in United States District Court Case Number 2:15-CV-01378-MEC-KJN.

17 The case remains pending in all other respects.

18 IT IS SO ORDERED.

19 Dated: January 10, 2017

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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