

1 CRIS C. VAUGHAN, SBN 99568  
 VAUGHAN & ASSOCIATES  
 2 6207 South Walnut Street, Suite 800  
 Loomis, CA 95650  
 3 Telephone: 916-660-9401  
 Facsimile: 916-660-9378  
 4 [cvaughan@adasolutionsgroup.com](mailto:cvaughan@adasolutionsgroup.com)

5 Attorneys for AUTOTEK, INC. and  
 CHRISTOPHER LULL, Plaintiffs

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 AUTOTEK, INC. and  
 CHRISTOPHER LULL,

12 Plaintiffs,

13 v.

14 COUNTY OF SACRAMENTO; SACRAMENTO  
 15 MUNICIPAL UTILITY DISTRICT; et al

16 Defendants.

Case No. 2:16-cv-01093-KJM-CKD

STIPULATION BETWEEN  
 PLAINTIFF AND SMUD RE:  
 DISMISSAL OF CERTAIN CLAIMS  
 FROM THE SECOND AMENDED  
 COMPLAINT

18 WHEREAS the Court's order of July 25, 2017 (Doc. 31), granted the Sacramento  
 19 Municipal Utility District's ("SMUD") motion to dismiss the First Amended Complaint, but  
 20 allowed Plaintiffs leave to amend their fifth, eighth, ninth, tenth and eleventh claims;

21 WHEREAS Plaintiffs timely filed a Second Amended Complaint on September 8,  
 22 2017 (Doc. 35);

23 WHEREAS Defendants' response to the Second Amended Complaint is due on  
 24 October 13, 2017 (Doc. 39); WHEREAS, Cris C. Vaughan, Vaughan & Associates,  
 25 counsel for Plaintiffs, and Susan DeNardo, Murphy, Campbell, Alliston & Quinn, counsel

1 for SMUD, met and conferred about SMUD's proposed motion to dismiss the Second  
2 Amended Complaint;

3 WHEREAS Plaintiffs and SMUD agreed that the Second Amended Complaint's  
4 addition of new causes of action is outside the scope of the leave to amend granted;

5 THEREFORE, the parties, by and through their counsel of record, hereby  
6 stipulate as follows:

7 1. Count Three of the Second Amended Complaint is dismissed without  
8 prejudice;

9 2. Count Four of the Second Amended Complaint is dismissed without  
10 prejudice;

11 3. Count Five of the Second Amended Complaint is dismissed without  
12 prejudice;

13 4. Count Six of the Second Amended Complaint is dismissed without  
14 prejudice.

15 5. Count Seven of the Second Amended Complaint is dismissed without  
16 prejudice.

17 IT IS SO STIPULATED.

18 Dated: October 11, 2017

VAUGHAN & ASSOCIATES

19

/s/ Cris C. Vaughan

20

CRIS C. VAUGHAN

21

Attorneys for Plaintiffs Autotek, Inc., and  
Christopher Lull

22

Dated: October 4, 2017

MURPHY, CAMPBELL,  
ALLISTON & QUINN

23

/s/ Susan DeNardo

24

SUSAN DENARDO

25

Attorneys for Defendant Sacramento  
Municipal Utility District

**ORDER**

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

After considering the Stipulation by and between Plaintiffs and SMUD through their counsel of record, IT IS HEREBY ORDERED THAT:

- 1. Count Three of the Second Amended Complaint is dismissed without prejudice.
- 2. Count Four of the Second Amended Complaint is dismissed without prejudice;
- 3. Count Five of the Second Amended Complaint is dismissed without prejudice;
- 4. Count Six of the Second Amended Complaint is dismissed without prejudice.
- 5. Count Seven of the Second Amended Complaint is dismissed without prejudice.

**IT IS SO ORDERED.**

Date: October 11, 2017.

  
UNITED STATES DISTRICT JUDGE