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27 BALL METAL BEVERAGE CONTAINER CORP.

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21 GEORGE WESTBROOK

22 Plaintiff

23 v.

24 BALL METAL BEVERAGE CORP., a Colorado  
25 corporation; and DOES 1 through 100, inclusive;

26 Defendants.

Case No. 2:16-CV-01569-WBS-CKD

*[Removed from Solano County Superior Court,  
Civil Case No. FCS047162]*

**STIPULATION AND [PROPOSED] ORDER  
FOR VOLUNTARY DISMISSAL OF  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS CAUSE OF  
ACTION**

1 **STIPULATION**

2 Pursuant to Fed. R. Civ. P. 41(a)(1), the parties, by and through their counsel of record request  
3 the Court dismiss Plaintiff's claim for Intentional Infliction of Emotional Distress with prejudice and  
4 without costs to any party.

5  
6 DATED: October 25, 2017

THE CARTWRIGHT LAW FIRM, INC.

7  
8 By: /s/ Maurice Fitzgerald  
9 MAURICE FITZGERALD  
10 CATHERINE TRAN  
Attorneys for Plaintiff GEORGE WESTBROOK

11 DATED: October 25, 2017

FISHER & PHILLIPS LLP


12  
13 By: /s/ Katherine P. Sandberg  
14 JASON GELLER  
15 ANNIE LAU  
16 KATHERINE P. SANDBERG  
Attorneys for Defendant BALL METAL  
17 BEVERAGE CORP.

18 **ORDER**

19 Based upon the foregoing stipulation of the parties, it is hereby:

20 ORDERED that Plaintiff's claim for Intentional Infliction of Emotional Distress in the above-  
21 captioned matter be dismissed with prejudice as to all parties without attorney's fees or costs to any  
22 party.

23 Dated: October 25, 2017

24   
25 WILLIAM B. SHUBB  
26 UNITED STATES DISTRICT JUDGE

1  
2 **CERTIFICATE OF SERVICE**

3 I, the undersigned, am employed in the County of Sacramento, State of California. I am over the  
4 age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips  
5 LLP and my business address is 621 Capitol Mall, Suite 1400, Sacramento, CA 95814.

6 On **October 24, 2017**, I served the foregoing document entitled **STIPULATION AND**  
7 **[PROPOSED] ORDER FOR VOLUNTARY DISMISSAL OF INTENTIONAL INFLICTION OF**  
8 **EMOTIONAL DISTRESS CAUSE OF ACTION**, on all the appearing and/or interested parties in  
9 this action as follows:

10 Robert E. Cartwright, Jr. Maurice Fitzgerald The Cartwright Law Firm, Inc. 222 Front Street, Fifth Floor San Francisco, CA 94111	<i>Counsel for Plaintiff</i> T: 415-433-0444 F: 415-433-0449
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12  **[by ELECTRONIC SUBMISSION]** - I served the above listed document(s) described via the  
13 United States District Court's Electronic Filing Program on the designated recipients via electronic  
14 transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will  
15 generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered  
16 users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user  
17 constitutes consent to electronic service through the court's transmission facilities.

18  **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at  
19 whose direction the service was made.

20 Executed on **October 24, 2017**, at Sacramento, California.

21 Alicia P. Malerbi By: /s/ Alicia P. Malerbi  
22 Print Name Signature