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 5 DEBORAH RENA ARNOLD

6 **UNITED STATES DISTRICT COURT**

7 **EASTERN DISTRICT OF CALIFORNIA**

8 DEBORAH RENA ARNOLD,

9 Plaintiff,

10 v.

11
 12 SUTTER VALLEY HOSPITALS dba
 13 SUTTER MEDICAL CENTER,
 SACRAMENTO, a California corporation;
 14 GUY RICE, an individual, and DOES 1
 through 50,

15 Defendants.
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) Case No.: 2:17-CV-00543-JAM-CKD

) **STIPULATION FOR PLAINTIFF TO**
) **DISMISS COUNT ONE OF HER**
) **THIRD AMENDED COMPLAINT**
) **AND FILE FOURTH AMENDED**
) **COMPLAINT**

18 Plaintiff Deborah Rena Arnold ("Plaintiff"), on the one hand, and Defendants Sutter
 19 Valley Hospitals dba Sutter Medical Center, Sacramento and Guy Rice (collectively
 20 "Defendants"), on the other hand, hereby submit this Stipulation for Plaintiff to Dismiss Count
 21 One of Her Third Amended Complaint and File Fourth Amended Complaint pursuant to Federal
 22 Rules of Civil Procedure 15 and 41.
 23

24 ¶

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27 ¶
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1 STIPULATION

2 WHEREAS, Plaintiff filed a Third Amended Complaint (Doc. 19) on August 21, 2017.
3 Count One of the Third Amended Complaint, entitled "Sex or Gender Discrimination and
4 Retaliation", spanned from page 5, line 13 to page 7, line 10.
5

6 WHEREAS, following meet and confer discussions between the Parties, Plaintiff has
7 agreed to dismiss, without prejudice, Count One of the Third Amended Complaint pursuant to
8 Federal Rule of Civil Procedure 41.

9 WHEREAS, Plaintiff desires to file a Fourth Amended Complaint pursuant to Federal
10 Rule of Civil Procedure 15 that omits Count One of her Third Amended Complaint.
11

12 WHEREAS, Defendants do not oppose Plaintiff dismissing Count One of her Third
13 Amended Complaint and filing a Fourth Amended Complaint that omits this claim but makes no
14 other changes. As pertaining to the dismissal of Count One in this Stipulation, the parties agree to
15 bear their own respective fees and costs.

16 WHEREAS, should Plaintiff later move to amend the pleadings to reassert a claim for
17 gender discrimination only, Defendants reserve their right to oppose the motion for leave to
18 amend, and nothing herein should be construed as an admission or agreement by Defendants that
19 Plaintiff's pleadings can be further amended.
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NOW, WHEREFORE, in light of the foregoing, the Parties hereby stipulate to Plaintiff dismissing Count One of her Third Amended Complaint and filing a Fourth Amended Complaint, submitted herewith as **Exhibit A**, that omits this claim. To effectuate this stipulation, the Parties respectfully request that the Court enter the order submitted herewith.

Dated: September 6, 2017

Respectfully submitted,
INNABI LAW GROUP, APC

/s/ Abdalla J. Innabi
Abdalla J. Innabi (SBN 172302)
Amer Innabi (SBN 225413)
Attorneys for Plaintiff DEBORAH RENA
ARNOLD

Dated: September 6, 2017

FOX ROTHSCHILD LLP

/s/ Lee Szor
Alexander Hernaez (SBN 201441)
Lee Szor (SBN 276381)
Attorneys for Defendants SUTTER VALLEY
HOSPITALS dba SUTTER MEDICAL CENTER,
SACRAMENTO and GUY RICE

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8 DEBORAH RENA ARNOLD,)
9 Plaintiff,)
10 v.)
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12 SUTTER VALLEY HOSPITALS dba)
13 SUTTER MEDICAL CENTER,)
14 SACRAMENTO, a California corporation;)
GUY RICE, an individual, and DOES 1)
through 50,)
15 Defendants.)
16)
17)

Case No.: 2:17-CV-00543-JAM-CKD
[PROPOSED] ORDER GRANTING
STIPULATION FOR PLAINTIFF TO
DISMISS COUNT ONE OF HER
THIRD AMENDED COMPLAINT
AND FILE FOURTH AMENDED
COMPLAINT

18 The Court, having carefully considered the parties' Stipulation for Plaintiff to Dismiss
19 Count One of Her Third Amended Complaint and File Fourth Amended Complaint, hereby

20 ORDERS:

21 The stipulation is **GRANTED**.
22
23 Count One of Plaintiff's Third Amended Complaint (Doc. 19) is dismissed without
24 prejudice.


25 Plaintiff's Fourth Amended Complaint, which was attached as Exhibit A to the
26 stipulation, shall be deemed filed and served on Defendants as of the date of this Order.

27 Defendants shall file a responsive pleading with respect to the Fourth Amended
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1 Complaint within 20 days of the date of this Order.

2 **IT IS SO ORDERED.**

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4 Dated: 9.7.2017



JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

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